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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9853

REGULATIONS GOVERNING THE PAYMENT OF ACTUAL AND NECESSARY EXPENSES, OR PER DIEM IN LIEU THEREOF, TO COMMISSIONED OFFICERS OF THE COAST AND GEODETIC SURVEY ON DUTY OUTSIDE THE CONTINENTAL UNITED STATES OR IN ALASKA

By virtue of the authority vested in me by section 12 of the Pay Readjustment Act of 1942 (56 Stat. 364), as amended by section 203 of the act of August 2, 1946 (60 Stat. 859), and in the interest of the internal management of the Government, it is hereby ordered as follows:

1. Commissioned officers of the Coast and Geodetic Survey on duty outside the continental United States or in Alaska, whether or not in a travel status, may be paid actual and necessary expenses, or per diem in lieu thereof, equal to those authorized from time to time by the Secretary of the Navy to be paid to commissioned officers of the Navy.

2. This order shall be effective as of August 2, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 15, 1947.

[F. R. Doc. 47-4724; Filed, May 16, 1947; 10:41 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[Quarantine No. 48]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—JAPANESE BEETLE

Introductory note. This revision of the quarantine regulations is made primarily for the purpose of adding to the lightly infested regulated area the election district of Mechanicsville in St. Marys County, Maryland, the town of Schroeppel in Oswego County, New York, the town of Waterloo in Seneca County, New York, the township of Marietta in Washington County, Ohio, the District of Midlothian in Chesterfield County, Virginia, several districts in Berkeley, Greenbrier, Monroe, Summers, and Wood Counties, West Virginia and the entire county of Morgan, West Virginia, in all of which trap-scouting and other surveys made during 1946 disclosed important infestations of the Japanese beetle. No operational changes are made in the heavily infested regulated areas.

The phraseology of several regulations has been changed to permit the use of treatments other than fumigation as a basis of certification of certain products.

The Secretary of Agriculture has determined that it is necessary further to revise the Japanese beetle quarantine regulations which were last revised February 15, 1945, 7 CFR 1945 Supp. 301.48–1 et seq., as amended, March 13, 1946, 11 F. R. 2628, in order to extend the regulated area and to make other modifications. The quarantine regulations are therefore hereby revised to read as follows:

SUBPART—JAPANESE BEETLE

Sec.

AUTHORITY: §§ 301.48 to 301.48–11, inclusive, issued under section 8 of the Plant Quarantine Act of August 20, 1912, as amended, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161.

§ 301.48 *Notice of quarantine.* The Secretary of Agriculture, having given the public hearing required by law, quarantines the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

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CODIFICATION GUIDE—Con.

the District of Columbia, to prevent the spread of the Japanese beetle. Hereafter (a) Soil, compost, and decomposed manure; (b) forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes; (c) cut flowers; and (d) fresh fruits and vegetables, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States, or District into or through any other State or Territory of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the requirements of this quarantine and of the rules and regulations supplemental hereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas, when in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle, except that any such limitation shall be conditioned upon the affected State or States providing for and enforcing the control of the intrastate movement of the regulated articles under the conditions which apply to their interstate movement under provisions of the Federal quarantine regulations, currently existing, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the said insect infestation: *Provided further*, That whenever in any year the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the requirements contained in any such regulations, he shall set forth and publish such finding in administrative instructions specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof or for such article or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

NOTE: Section 301.48d *Administrative instructions; articles exempt from certification* remains in effect (7 CFR, 1945 Supp.).

§ 301.48–1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle.* The insect known as the Japanese beetle (Popillia japonica Newm.), in any stage of development.

(b) *Infestation.* This term refers to the presence of the Japanese beetle.

(c) *Regulated area.* Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 301.48 as revised.

(d) *Heavily infested area.* That portion of the regulated areas usually heavily and continuously populated with Japanese beetles, and in which dense flights of the adult may occur.

(e) *Noninfested premises, establishments, or areas.* Those portions of the regulated areas in which no infestation exists, or in the vicinity of which no infestation is known to exist under such conditions as to expose them to infestation by natural spread of beetles, as determined by an inspector.

(f) *Nursery stock.* Forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes.

(g) *Soil-free, free from soil.* Devoid of soil in quantities sufficient to harbor immature stages of the Japanese beetle.

(h) *Inspector.* An inspector of the United States Department of Agriculture.

(i) *Interstate movement.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, directly or indirectly, from a regulated area in one State or District of the United States to a nonregulated area or a protected area in any other State or Territory.

(j) *Certificate.* A valid form evidencing compliance with the requirements of the regulations in this subpart.

(k) *Limited permit.* A valid form authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or for processing.

§ 301.48–2 *Regulated areas.* In accordance with the provisos to § 301.48, the Secretary of Agriculture designates as regulated areas the following States, District, counties, townships, cities, towns, boroughs, and districts or parts thereof, as described:

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York; towns of Auburn and Lewiston, in Androscoggin County; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarboro, Standish, and cities of Portland, South Portland, Westbrook, and Windham, in Cumberland County; city of Waterville, in Kennebec County; and city of Brewer, in Penobscot County.

Maryland. The entire State except the county of Garrett; and except the election districts of Orleans (No. 1), and Kifer (No. 33), in Allegany County; election districts of Hill Top (No. 2), Cross Roads (No. 3), Allens Fresh (No. 4), Harris Lot (No. 5), Bryantown (No. 8), and Marbury (No. 10), in Charles County; and election districts of St. Inigoes (No. 1), Valley Lee (No. 2), Leonardtown (No. 3), Chaptico (No. 4), Hillville (No. 6), Milestown (No. 7), Bay (No. 8), and St. George Island (No. 9), in St. Marys County.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in Carroll County; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in Grafton County.

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and cities of Olean and Salamanca, in Cattaraugus County; city of Auburn, and towns of Fleming, Owasco, and Sennett, in Cayuga County; towns of Amherst, Cheektowaga, and Tonawanda, and cities of Buffalo and Lackawanna, in Erie County; towns of Columbia, Danube, Fairfield, Frankford, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and city of Little Falls, in Herkimer County; town of Watertown and city of Watertown, in Jefferson County; town of Mount Morris and village of Mount Morris, in Livingston County; city of Rochester, towns of Brighton and Pittsford, and village of East Rochester, in Monroe County; town of Manchester, in Ontario County; town of Schroeppel, and cities of Fulton and Oswego, in Oswego County; towns of Catherine, Cayuta, Dix, Hector, Montour, and Reading, and borough of Watkins Glen, in Schuyler County; town of Waterloo, in Seneca County; towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and cities of Corning and Hornell, in Steuben County; towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and city of Ithaca, in Tompkins County; towns of Luzerne and Queensbury and city of Glens Falls, in Warren County.

Ohio. Counties of Belmont, Carroll, Columbiana, Cuyahoga, Guernsey, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne; cities of Ashtabula and Conneaut, in Ashtabula County; city of Coshocton, in Coshocton County; township of Marion, city of Columbus and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in Franklin County; townships of Kirtland, Mentor, and Willoughby, and villages of Kirtland Hills, Lakeline, Mentor, Mentor-on-the-Lake, Waite Hill, Wickliffe, Willoughby, and Willowick, in Lake County; townships of Madison and Newark and city of Newark, in Licking County; city of Toledo and township of Washington, in Lucas County; township of Madison and city of Mansfield, in Richland County; townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, cities of Niles and Warren, and villages of Cortland, Girard, Hubbard, McDonald, Newton Falls and Orangeville, in Trumbull County; and city and town of Marietta, in Washington County.

Pennsylvania. The entire State except the townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury,

South Shenango, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango, and Woodcock, and the boroughs of Blooming Valley, Cambridge, Springs, Cochranton, Conneaut Lake, Conneautville, Linesville, Saegerstown, Springboro, Townville, Venango, and Woodcock, in Crawford County; the townships of Amity, Conneaut, Elk Creek, Fairview, Franklin, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, LeBoeuf, McKean, North East, Springfield, Summit, Union, Venango, Washington, and Waterford, and the boroughs of Albion, Cranesville, East Springfield, Edinboro, Fairview, Girard, Middleboro, Mill Village, North East, North Girard, Platea, Union City, Waterford, and Wattsburg, in Erie County: townships of Deer Creek, Delaware, Fairview, French Creek, Greene, Hempfield, Lake, Mill Creek, New Vernon, Otter Creek, Perry, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Sugar Grove, and West Salem, and boroughs of Clarksville, Fredonia, Greenville, Jamestown, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in Mercer County.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and town of Burlington, in Chittenden County.

Virginia. Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial districts of Bermuda, Dale, Manchester, Matoaca, and Midlothian in Chesterfield County; town of Emporia, in Greenville County; town of West Point, in King William County; magisterial district of Sleepy Hole, in Nansemond County; town of Shenandoah, in Page County; village of Schoolfield, in Pittsylvania County; town of Pulaski, in Pulaski County; magisterial districts of Hampton, Jackson, and Wakefield, in Rappahannock County; magisterial district of Courtland, in Spotsylvania County; town of Front Royal, in Warren County; magisterial district of Newport, in Warwick County; magisterial district of Washington, in Westmoreland County; and cities of Alexandria, Charlottesville, Danville, Fredericksburg, Hampton, Newport News, Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, South Norfolk, Suffolk, and Winchester.

West Virginia. Counties of Barbour, Berkeley, Brooke, Hancock, Harrison, Jefferson, Lewis, Marion, Monongalia, Morgan, Ohio, Taylor, and Upshur; magisterial districts of Blue Sulphur and Fort Spring, in Greenbrier County; magisterial districts of Charleston, Elk, Loudon, and Malden, city of Charleston, and town of South Charleston, in Kanawha County; magisterial districts of Sand Hill, Union, Washington, and Webster, in Marshall County; city of Princeton, in Mercer County; town of Keyser and magisterial district of Frankfort, in Mineral County; magisterial district of Wolf Creek, in Monroe County; town of Rowlesburg, in Preston County; city of Hinton and magisterial districts of Greenbrier and Talcott, in Summers County; magisterial district of Lincoln, in Tyler County; town of Paden City, in Tyler and Wetzel Counties; cities of Parkersburg and Williamstown and magisterial districts of Lubeck, Parkersburg, Tygard, and Williams, in Wood County.

§ 301.48–3 *Heavily infested area.*

Delaware. The entire State.

District of Columbia. The entire District.

Maryland. Counties of Baltimore, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne, Somerset, Talbot, Wicomico, and Worcester; election districts Nos. 3, 4, and 5, in Anne Arundel County; city of Baltimore, election districts of Elk Ridge (No. 1), and Ellicott City (No. 2), in Howard County.

New Jersey. Counties of Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union; townships of Boonton, Chatham, Chester, Danville, East Hanover, Hanover, Harding, Mendham, Montville, Morris, Morristown, Parsippany-Troy Hills, Passaic, Randolph, and Washington, town of Boonton, and boroughs of Chatham, Florham Park, Lincoln Park, Madison, Mendham, Norris Plains, and Mountain Lakes, in Morris County; townships of Little Falls and Wayne, the cities of Clifton, Passaic, Paterson, and the boroughs of Haledon, Hawthorne, North Haledon, Prospect Park, Totowa, and West Paterson, in Passaic County; townships of Allamuchy, Franklin, Greenwich, Hackettstown, Independence, Lopatcong, Mansfield, Philippsburg, Pohatcong, and Washington, and boroughs of Alpha and Washington, in Warren County.

New York. Nassau County; and towns of Babylon and Huntington, in Suffolk County.

Pennsylvania. Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia; all of Berks County except the townships of Bethel, Jefferson, Upper Bern, and Upper Tulpehocken, and borough of Strausstown; townships of East Pennsboro, Hampden, Lower Allen, Middlesex, Monroe, Silver Spring, South Middleton, and Upper Allen, and boroughs of Camp Hill, Lemoyne, Mechanicsburg, Mount Holly Springs, New Cumberland, West Fairview, and Wormleysburg in Cumberland County; townships of Conewago, Derry, Londonderry, Lower Paxton, Lower Swatara, Susquehanna, and Swatara, the city of Harrisburg, and the boroughs of Highspire, Middletown, Paxtang, Penbrook, Royalton, and Steelton, in Dauphin County; all of Lebanon County except the townships of Bethel, Cold Spring, East Hanover, North Annville, North Lebanon, Swatara, Union, and West Lebanon, the city of Lebanon, and the boroughs of Cleona, Jonestown, and Lebanon; all of Lehigh County except the townships of Heidelberg and Washington, and borough of Slatington; all of Northampton County except the townships of Bushkill, Lehigh, Moore, Plainfield, Upper Mount Bethel, and Washington, and boroughs of Bangor, Chapman, East Bangor, Pen Argyl, Portland Roseto, Stockertown, Walnutport, and Wind Gap; and all of York County except the townships of Carroll, Dover, Franklin, Heidelberg, Manheim, Monaghan, Paradise, Penn, Warrington, Washington, and West Manheim, and boroughs of Dillsburg, Dover, Franklintown, Hanover, and Wellsville.

Virginia. Counties of Accomac, Arlington, and Northampton; magisterial district of Tanner's Creek, in Norfolk County; magisterial district of Kempsville, in Princess Anne County; and the city of Alexandria.

§ 301.48–4 *Regulated articles*—(a) *Movement from all regulated areas.* Unless exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine and except as hereinafter otherwise provided, the interstate movement of the following articles from regulated areas to points outside thereof is subject to the regulations in this subpart:

(1) Soil, compost, and decomposed manure of any kind moved independent of or in connection with nursery stock or any other articles or things, except that gravel, sand, greensand, marl, and clay originating from pits, mines, or deposits, and that compost, humus, and decomposed manure when dehydrated, ground, pulverized, or compressed, are exempt from the requirements of these regulations.

(2) Nursery stock.

(b) *Movement from heavily infested areas.* Unless exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine the interstate movement, either on direct billing, diversion, or reconsignment, from the heavily infested areas to points outside the regulated areas, of the products named in subparagraphs (1) and (2) of this paragraph, is subject to the regulations in this subpart each summer during the period of heavy flight of the beetle, the dates of the beginning and cessation of which shall be based on seasonal observation of the emergence and disappearance of the adult beetles and shall be as designated in administrative instructions by the Chief of the Bureau of Entomology and Plant Quarantine: *Provided,* That identical requirements shall also apply to the interstate movement of the products from the heavily infested areas to such isolated, lightly infested, regulated areas as may be designated from year to year in administrative instructions by the Chief of the Bureau of Entomology and Plant Quarantine when it has been determined by him that such areas should be so protected.

(1) Unprocessed, fresh, cut flowers when moved in bulk direct from the field or greenhouse where grown, or from a distributor.

(2) Fresh fruits and vegetables of all kinds when shipped by refrigerator car or motortruck only.

§ 301.48–5 *Conditions governing interstate movement of regulated articles*—(a) *Certification.* Except as provided herein, or in subsequent administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine, articles designated in § 301.48–4 shall not be moved interstate from the respective areas as specified therein (paragraphs (a) and (b)) to points outside the regulated areas, unless a certificate or permit shall have been issued therefor in compliance with the regulations in this subpart.

(b) *Safeguards against reinfestation.* Subsequent to certification, as provided in paragraph (a) of this section the regulated articles must be loaded, handled, and shipped under such protection and safeguards against reinfestation as are required by the inspector.

(c) *Marking.* Every container of articles, the interstate movement of which is subject to the regulations in this subpart, shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with the regulations in this subpart: *Provided,* That (1) in the case of lot freight shipments other than by road vehicle, a certificate attached to one of the containers and another certificate attached to the waybill will be sufficient, and carlot freight or express shipments, either in containers or in bulk, require a certificate attached to the waybill; (2) in the case of shipment by road vehicle, the certificate shall accompany the shipment and shall

be surrendered to the consignee upon delivery of the shipment.

(d) *Articles originating outside the regulated area.* No certificates are required for the interstate movement of regulated articles originating outside the regulated areas and moving through or reshipped from a regulated area, when the point of origin is clearly indicated, when the identity has been maintained, and when the articles are safeguarded against infestation while in the regulated areas.

§ 301.48–6 *Conditions governing the issuance of certificates and permits*—(a) *Certification of soil, compost, and decomposed manure.* Certificates may be issued for the interstate movement of these products under any one of the following conditions:

(1) When they have originated on noninfested premises, establishments, or areas. (See § 301.48–1 *Definitions.*)

(2) When, in the judgment of the inspector, they have been handled or processed in a manner to free them from infestation; or when the soil has been removed, under the observation of the inspector, from a depth of more than 12 inches below the surface of the ground.

(3) When the soil, compost, or decomposed manure has been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(b) *Certification of nursery stock.* Certificates may be issued for the interstate movement of nursery stock under any one of the following conditions:

(1) When the soil about the roots of the plants has been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(2) When the plants have been made soil-free.

(3) When the nursery stock originated on noninfested premises, establishments, or areas. (See § 301.48–1 *Definitions.*)

(4) When the nursery stock has been produced under protected conditions in greenhouses, potting beds, heeling-in areas, hotbeds, coldframes, and similar plots, in the infested area, in which the ventilators, doors, and all other openings have been kept screened to the inspector's satisfaction during such periods as he may designate.

However, in order to maintain an infestation-free status under subparagraphs (3) and (4) of this paragraph, the operator of the establishment must restrict all receipts of nursery stock and other regulated articles from points within the regulated areas to articles certified. The operator must report to the inspector the source of all nursery stock and other regulated articles received on such premises and must maintain a record, accessible to the inspector, of all shipments made to points outside the regulated areas. Premises will lose their infestation-free status if there are received thereon regulated articles from the regulated area which are not certified. Infestation-free establishments, together with their environs, will be inspected during the active adult season and their status determined on the basis of such inspections.

(c) *Certification of cut flowers.* Certificates may be issued for the interstate movement of regulated cut flowers from the heavily infested area to points outside the regulated areas, under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to adult beetle infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(d) *Certification of fruits and vegetables.* Certificates may be issued for the interstate movement by refrigerator car or motortruck of fresh fruits and vegetables originating or loaded in or reshipped from the heavily infested area to points outside the regulated areas under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to adult beetle infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been harvested, handled, graded, or processed in a manner, in the judgment of the inspector, to free them from infestation.

(4) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

However, under subparagraphs (1), (2), and (3) of this paragraph, the refrigerator cars or motortrucks used for transporting such fruits and vegetables shall be thoroughly swept, cleaned, or treated prior to loading.

(e) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles to specified destinations for processing or other handling. Persons shipping, transporting, or receiving such articles may be required by the inspector to enter into written agreements with the Bureau of Entomology and Plant Quarantine to maintain such sanitation safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, or subsequent movement of regulated products and to the cleaning of cars, trucks, and other vehicles used in the transportation of such articles as may be required by the inspector.

§ 301.48–7 *Assembly of articles for inspection.* Persons intending to move interstate any of the regulated articles shall make application for inspection as far in advance as possible, and will be required to prepare, handle, and safeguard such articles from infestation, and to assemble them at such points as the inspector shall designate, placing them so that inspection may be readily made. All costs, including storage, transportation, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

§ 301.48–8 *Cancellation of certificates or permits.* Certificates or permits issued under these regulations may be withdrawn or canceled by the inspector and further certification refused whenever the further use of such certificates or permits might result in the dissemination of infestation.

§ 301.48–9 *Cleaning or treatment of trucks, wagons, cars, boats, and other vehicles and containers.* When in the judgment of the inspector a hazard of spread of infestation is presented, thorough cleaning or treatment of trucks, wagons, cars, boats, and other vehicles and containers may be required by the inspector before movement interstate to points outside of the regulated areas.

§ 301.48–10 *Inspection in transit.* Any car, vehicle, basket, box, or container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infestations, infested articles, or articles the movement of which is controlled by the regulations in this subpart, shall be subject to inspection by an inspector at any time or place, and when actually found to involve danger of dissemination of Japanese beetles to noninfested localities, measures to eliminate infestation may be required by the inspector as a condition of further transportation or delivery.

§ 301.48–11 *Shipments for experimental and scientific purposes.* Articles subject to requirements of these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine.

As previously stated, the primary purpose of this revision of the regulations supplemental to the Japanese beetle quarantine is to add new territory to the regulated area. Another purpose is to permit the treatment of regulated articles by additional methods which are much more economical than those currently in use. Moreover, permitting a method to be used which is selected by an inspector on the basis of the special circumstances in each case will result in a more effective quarantine against the spread of the beetle. Prompt action on these changes is essential in order to anticipate the emergence of the beetles this year. Accordingly, it is found that compliance with the notice provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 238) is impracticable and contrary to the public interest. For the same reasons and for the further reason that the new methods of treatment will permit the relaxation of incidental restrictions heretofore found necessary, good cause is found for making the re-

vised regulations effective immediately upon publication in the FEDERAL REGISTER.

This revision shall be effective upon publication in the FEDERAL REGISTER, and thereupon shall supersede the quarantine regulations promulgated February 15, 1945, 7 CFR 1945 Supp. 301.48–1 et seq., as amended, March 13, 1946, 11 F. R. 2628.

Done at Washington, D. C., this 13th day of May 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

APPENDIX

PENALTIES

The Plant Quarantine Act of August 20, 1912, as amended, provides that any person who shall violate any of the provisions of this quarantine or regulations pursuant thereto shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500, or by imprisonment not exceeding one year, or both such fine and imprisonment in the discretion of the court.

STATE AND FEDERAL INSPECTION

Certain of the quarantined States have promulgated or are about to promulgate quarantine regulations controlling intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained by addressing the United States Department of Agriculture, 503 Main Street, East Orange, N. J.

Subsidiary offices are maintained at the following locations:

Connecticut. Agricultural Experiment Station, 123 Huntington Street, New Haven 4, Conn.

Delaware. Bureau of Entomology and Plant Quarantine, Harrington, Del.

Maryland. 2 Sherwood Avenue, Pikesville 8, Md. Room 205, New Post Office Building, Main Street, Salisbury, Md.

Massachusetts. 144 Moody Street, Waltham 54, Mass.

New Jersey. Kotler Building, Main and High Streets, Glassboro, N. J. P. O. Box 1, Trenton 1, N. J., or 3179 South Broad Street, White Horse, N. J. 63 Addison Avenue, Rutherford, N. J.

New York. Room 840–A, 641 Washington Street, New York 14, N. Y. P. O. Box 1083 or 247 Clinton Avenue, Kingston, N. Y. P. O. Box 25, Huntington Sta., Long Island, N. Y.

Ohio. 21065 Euclid Avenue, Euclid 17, Ohio.

Pennsylvania. 6905 Torresdale Avenue, Philadelphia 35, Pa. P. O. Box 6604, North Side Post Office Building, Pittsburgh 12, Pa. P. O. Box 22, Lancaster, Pa.

Virginia. Room 284, Brokers' Exchange Building, 264 West Tazewell Street, Norfolk 10, Va. 505 W. Franklin Street or P. O. Box 5271, Richmond 20, Va.

Arrangements may be made for inspection and certification of shipments from the District of Columbia by calling Republic 4142, branch 2598, inspection house of the Bureau of Entomology and Plant Quarantine, 224 Twelfth Street SW., Washington 25, D. C.

GENERAL OFFICES OF STATES COOPERATING

Department of Entomology, Agricultural Experiment Station, New Haven 4, Conn.

Board of Agriculture, Dover, Del.

State horticulturist, Augusta, Maine.

State entomologist, University of Maryland, College Park, Md.

Division of Plant Pest Control and Fairs, Department of Agriculture, Statehouse, Boston 33, Mass.

Deputy Commissioner, Department of Agriculture, Durham, N. H.

Bureau of Plant Industry, Department of Agriculture, Trenton 8, N. J.

Bureau of Plant Industry, Department of Agriculture and Markets, Albany 1, N. Y.

Division of Plant Industry, Department of Agriculture, Columbus 15, Ohio.

Bureau of Plant Industry, Department of Agriculture, Harrisburg, Pa.

Division of Entomology and Plant Industry, Department of Agriculture and Conservation, Statehouse, Providence 2, R. I.

Division of Plant Pest Control, Department of Agriculture, Montpelier, Vt.

State entomologist, Department of Agriculture and Immigration, Richmond 19, Va.

State entomologist, Department of Agriculture, Charleston 5, W. Va.

[F. R. Doc. 47–4638; Filed, May 16, 1947; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 120]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.346 *Orange Regulation 120*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t. May 19, 1947, and ending at 12:01 a. m., e. s. t., June 2, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1)); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 15th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47–4695; Filed, May 16, 1947; 8:46 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

[Lemon Reg. 222]

LIMITATION OF SHIPMENTS

§ 953.329 *Lemon Regulation 222*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 18, 1947, and ending at 12:01 a. m., P. s. t., May 25,

1947, is hereby fixed at 450 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 221 (12 F. R. 3073) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 15th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4698; Filed, May 16, 1947; 8:46 a. m.]

[Grapefruit Reg. 46]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.307 *Grapefruit Regulation 46*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 55 (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., p. s. t., May 18, 1947, and ending at 12:01 a. m., p. s. t., July 31, 1947, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, which grade lower than U. S. No. 2 grade, as such grades are defined in the revised United States Standards for Grapefruit (California and Arizona), 12 F. R. 1975; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States or in Canada, any such grapefruit (*a*) which are of a size smaller than $3\frac{3}{16}$ inches in diameter, or (*b*) which are of a size larger than $4\frac{14}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted, and a tolerance of 5 percent, by count, of grapefruit larger than such maximum size shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona): *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{3}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{19}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are larger than $4\frac{14}{16}$ inches in diameter such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{5}{16}$ inches in diameter and larger.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 14th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4696; Filed, May 16, 1947; 8:46 a. m.]

[Orange Reg. 178]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.324 *Orange Regulation 178*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 18, 1947, and ending at 12:01 a. m., p. s. t., May 25, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, 700 carloads; (*b*) Prorate District No. 2, 1000 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, unlimited movement; and (*c*) Prorate District No. 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 15th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. May 18, 1947, to 12:01 a. m. May 25, 1947]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	.9941
A. F. G. Porterville	1.8124
Cooperative Citrus Association	.3416
Dofflemyer, W. Todd	.3213
Elderwood Citrus Association	1.3616
Exeter Citrus Association	1.8456
Hillside Packing Corp	3.9188
Ivanhoe Mutual Orange Association	1.0871
Klink Citrus Association	4.1374
Lemon Cove Association	1.3329
Lindsay Citrus Growers Association	3.4192
Lindsay Coop. Citrus Association	2.3192
Lindsay District Orange Co	1.4121
Lindsay Fruit Association	2.5516
Lindsay Orange Growers Association	.6486
Orange Cove Citrus Association	3.1537
Orange Packing Co	1.9600
Orosi Foothill Citrus Association	1.1397
Paloma Citrus Fruit Association	.6047
Rocky Hill Citrus Association	2.7670
Sanger Citrus Association	2.5134
Sequoia Citrus Association	.7518
Stark Packing Corp	4.4302
Visalia Citrus Association	1.1161
Waddell & Sons	2.1734
Orland Orange Growers Association, Inc	.0000
Baird-Neece Corp	2.1577
Beattie Association, Agnes M	.0000
Grand View Heights Citrus Association	3.3376
Magnolia Citrus Association	1.7953
Richgrove-Jasmine Citrus Association	.9794
Sandilands Fruit Co	.3867
Strathmore Coop. Association	3.0182
Strathmore District Orange Association	2.1777
Strathmore Fruit Growers Association	2.0929
Strathmore Packing House	1.3074
Sunflower Packing Association	1.9807
Sunland Packing House	4.1298
Tule River Citrus Association	.9908
Jensen, M. N	1.6007
Kroells Brothers, Ltd	1.7255
Lindsay Mutual Groves	1.7192
Martin Ranch	.6714
Stivers Packing Co	1.1921
Woodlake Packing House	1.4293
Randolph Marketing Co., Porterville	1.7733
Abbate Co., The Chas	.4975
Anderson Packing Company	1.1760
Baker Brothers	.7486
Calif. Citrus Groves, Inc., Ltd	2.2279
Calif. Growers, Inc	.9640
Evans Brothers Packing Co	2.3493
Exeter Groves Packing Co	1.2116
Harding & Leggett	1.6467
Lo Bue Bros	.3107
Marks, W. & M	.0450
Reimers, Don H	.2057
Rooke Packing Co., B. G	3.4335
Snyder & Sons Co., W. A	.6143
Webb Packing Co	.4740
Wollenman Packing Co	.5987
Woodlake Heights Packing Corp	.9173

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0587
A. F. G. Fullerton	.8430
A. F. G. Orange	.6313
A. F. G. Redlands	.2246
A. F. G. Riverside	.1558

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
A. F. G. San Juan Capistrano	0.9096
A. F. G. Santa Paula	.3784
Corona Plantation Co	.2586
Hazeltine Packing Co	.3641
Signal Fruit Association	.1003
Azusa Citrus Association	.4819
Azusa Orange Co., Inc	.1359
Damerel-Allison Co	.9324
Glendora Mutual Orange Association	.4064
Irwindale Citrus Association	.3706
Puente Mutual Citrus Association	.1955
Valencia Heights Orchards Association	.4156
Glendora Citrus Association	.4000
Glendora Heights Orange and Lemon Growers Association	.0941
Gold Buckle Association	.5616
La Verne Orange Association	.6730
Anaheim Citrus Fruit Association	1.2387
Anaheim Valencia Orange Association	1.2372
Eadington Fruit Co	1.8674
Fullerton Mutual Orange Association	1.3821
La Habra Citrus Association	1.1429
Orange County Valencia Association	.5652
Orangethorpe Citrus Association	.9996
Placentia Coop. Orange Association	.6958
Yorba Linda Citrus Association, The	.5394
Alta Loma Heights Citrus Association	.1038
Citrus Fruit Growers	.1886
Cucamonga Citrus Association	.1812
Etiwanda Citrus Fruit Association	.0416
Mountain View Fruit Association	.0123
Old Baldy Citrus Association	.1180
Rialto Heights Orange Growers	.0335
Upland Citrus Association	.4336
Upland Heights Orange Association	.1391
Consolidated Orange Growers	1.8590
Frances Citrus Association	1.1103
Garden Grove Citrus Association	1.3645
Goldenwest Citrus Association, The	1.3543
Irvine Valencia Growers	2.3070
Olive Heights Citrus Association	1.5991
Santa Ana-Tustin Mutual Citrus Association	.9501
Santiago Orange Growers Association	3.3145
Tustin Hills Citrus Association	1.6540
Villa Park Orchards Association, The	1.9265
Bradford Brothers, Inc	.6132
Placentia Mutual Orange Association	1.8122
Placentia Orange Growers Association	2.2030
Call Ranch	.0709
Corona Citrus Association	.4686
Jameson Co	.0402
Orange Heights Orange Association	.4032
Break & Son, Allen	.0605
Bryn Mawr Fruit Growers Association	.2766
Crafton Orange Growers Association	.3912
E. Highlands Citrus Association	.0850
Fontana Citrus Association	.1095
Highland Fruit Growers Association	.0502
Krinard Packing Co	.2787
Mission Citrus Association	.1417
Redlands Coop. Fruit Association	.4047
Redlands Heights Groves	.2560
Redlands Orange Growers Association	.3318
Redlands Orangedale Association	.2403
Redlands Select Groves	.1880
Rialto Citrus Association	.1725

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Rialto Orange Co	0.1484
Southern Citrus Association	.2049
United Citrus Growers	.1512
Zilen Citrus Co	.1054
Arlington Heights Fruit Co	.1098
Brown Estate, L. V. W	.1402
Gavilan Citrus Association	.1476
Hemet Mutual Groves	.1086
Highgrove Fruit Association	.0841
McDermont Fruit Co	.1759
Mentone Heights Association	.0616
Monte Vista Citrus Association	.2201
National Orange Co	.0437
Riverside Heights Orange Growers Association	.0909
Sierra Vista Packing Association	.0611
Victoria Avenue Citrus Association	.1792
Claremont Citrus Association	.1600
College Heights Orange and Lemon Association	.2409
El Camino Citrus Association	.0803
Indian Hill Citrus Association	.2025
Pomona Fruit Growers Exchange	.4299
Walnut Fruit Growers Exchange	.4526
West Ontario Citrus Association	.3966
El Cajon Valley Citrus Association	.3494
Escondido Orange Association	2.5659
San Dimas Orange Growers Association	.4880
Covina Citrus Association	.9599
Covina Orange Growers Association	.3939
Duarte-Monrovia Fruit Exchange	.2467
Santa Barbara Orange Association	.0504
Ball & Tweedy Association	.7146
Canoga Citrus Association	.8534
N. Whittier Heights Citrus Association	.9257
San Fernando Fruit Growers Association	.4297
San Fernando Heights Orange Association	.9278
Sierra Madre-Lamanda Citrus Association	.3934
Camarillo Citrus Association	1.4636
Fillmore Citrus Association	3.4849
Mupu Citrus Association	2.5973
Ojai Orange Association	.9594
Piru Citrus Association	1.9620
Santa Paula Orange Association	1.0626
Tapo Citrus Association	1.1267
Limoneira Co	.4178
E. Whittier Citrus Association	.3897
El Ranchito Citrus Association	1.2243
Murphy Ranch Co	.5669
Rivera Citrus Association	.5340
Whittier Citrus Association	.6759
Whittier Select Citrus Association	.4591
Anaheim Cooperative Orange Association	1.1252
Bryn Mawr Mutual Orange Association	.0674
Chula Vista Mutual Lemon Association	.0898
Escondido Cooperative Citrus Association	.3277
Euclid Avenue Orange Association	.4323
Foothill Citrus Union, Inc	.0325
Fullerton Cooperative Orange Association	.3416
Garden Grove Orange Coop., Inc	.5813
Gledora Coop. Citrus Association	.0663
Golden Orange Groves, Inc	.2592
Highland Mutual Groves	.0373
Index Mutual Association	.2152
La Verne Coop. Citrus Association	1.3796
Olive Hillside Groves	.7173
Orange Coop. Citrus Association	1.0197
Redlands Foothill Groves	.4745
Redlands Mutual Orange Association	.1815
Riverside Citrus Association	.0708
Ventura County Orange and Lemon Association	.9129

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Whittier Mutual Orange and Lemon Association	0.1964
Babijuice Corp. of Calif	.5156
Banks Fruit Co	.3197
Banks, L. M	.5340
Borden Fruit Co	.5915
Calif. Fruit Distributors	.5514
Cherokee Citrus Co., Inc	.1452
Chess Company, Meyer W	.2729
El Modena Citrus, Inc	.8698
Escondido Avocado Growers	.0540
Evans Brothers Packing Co	.8141
Gold Banner Association	.2753
Granada Hills Packing Co	.0614
Granada Packing House	2.8592
Hill, Fred A	.0749
Inland Fruit Dealers	.0911
Mills, Edward	.1048
Orange Belt Fruit Distributors	1.8283
Panno Fruit Company, Carlo	.1621
Paramount Citrus Association	.3339
Placentia Orchards Co	.3924
Placentia Pioneer Valencia Growers Association	.6350
Riverside Growers, Inc	.1409
San Antonio Orchards Co	.5321
Santa Fe Groves Co	.0496
Snyder & Sons Co., W. A	1.1989
Stephens, T. F	.0855
Sunny Hills Ranch, Inc	.2436
Verity & Sons Co., R. H	.0326
Wall, E. T	.1155
Webb Packing Co	.2718
Western Fruit Growers, Inc., Anaheim	.0801
Western Fruit Growers, Inc., Redlands	.7526
Yorba Orange Growers Association	.6145

[F. R. Doc. 47-4697; Filed, May 16, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51676]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES FOR JEWELRY

In addition to all other information required by law or regulation, customs invoices for jewelry shall contain in respect of each style of article covered thereby the following information:

1. The design or motif.

2. The component material of chief value.

3. Whether or not the metal in the article is plated with platinum, gold, or silver, or is colored with gold lacquer.

This requirement shall be effective as to invoices certified after 30 days after the publication of this document in the weekly Treasury Decisions.

(Sec. 481 (a) (10), 46 Stat. 719; 19 U. S. C. 1481 (a) (10))

Section 8.13 (i), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.13 (i)), as redesignated by T. D. 51059, is hereby further amended by adding the following to the list of merchandise in connection with which additional information is required to be furnished on invoices and by placing opposite such addition the number and date of this Treasury decision:

Jewelry. T. D. 51676

(Secs. 481, 624, 46 Stat. 719, 759; 19 U. S. C. 1481, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: May 12, 1947.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4651; Filed, May 16, 1947; 8:51 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Reg. 5, as Amended Feb. 13, 1947, Amdt. 2]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Section 803.5, Housing Expediter Priorities Regulation 5, is amended in the following respects:

1. Amendment 1, dated April 22, 1947, is hereby revoked.

2. Wherever in this section (HEPR 5) the words "Civilian Production Administration" are used, they shall hereafter mean "Housing Expediter", except where a different meaning clearly appears from the context.

3. Wherever in this section (HEPR 5) the words "Area Rent Office of the Office of Temporary Controls (OPA)" or the words "OTC Area Rent Office" are used, they shall hereafter mean "Area Rent Office of the Office of Rent Control, Office of the Housing Expediter".

4. Paragraph (i) (1) is amended to read as follows:

(i) *Maximum sales prices and rents*—(1) *General.* The restrictions on sales prices and rents contained in this paragraph must be observed as long as this section remains in effect. They apply to sales prices and rents for dwellings of the kinds described below when built or converted under this section.

The restrictions on sale prices contained in this section do not apply to property being sold in the course of judicial or statutory proceedings in connection with foreclosures and do not prohibit any subsequent sale of such property at or below the amount of the sale price in such proceedings.

In the case of any dwelling unit provided by converting a structure in a Defense Rental Area established pursuant to the Emergency Price Control Act of 1942, as amended, the maximum rent specified in the application as approved is not the authorized amount at which the dwelling may be rented as the rents for converted units must be determined by the Office of Rent Control of the Office of the Housing Expediter.

Approval of a proposed sales price or rent under this section should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes.

For requirements on filing a rent registration form, see Rent Regulation for Housing (formerly issued by OPA and adopted by the Housing Expediter through the issuance of Rent Control Order 1).

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 16th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4728; Filed, May 16, 1947; 12:10 p. m.]

[Housing,[1] Amdt. 115 (§ 821.1)]

PART 821—RENT REGULATIONS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942 AS AMENDED

HOUSING IN KNOXVILLE, TENN., AREA

The application of the Rent Regulation for Housing is terminated in a portion of the Knoxville Defense-Rental Area, and consequently, the said portion of the said area is decontrolled and Item 292 of Schedule A of the Rent Regulation for Housing is amended to read as follows:

(292) Knoxville	Tennessee Tennessee	Blount and Knox Anderson and Roane, except the portion consisting of the Clinton Engineering Works.	Mar. 1, 1942 do	Nov. 1, 1942 Aug. 1, 1943	Dec. 16, 1942 Sept. 15, 1943

This amendment shall become effective May 15, 1947.

(56 Stat. 23; 60 Stat. 664; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645)

Issued this 15th day of May 1947.

FRANK R. CREEDON,
Housing Expediter.

[1] 11 F. R. 12055, 13028, 13309, 14013, 14189; 12 F. R. 229, 920, 1443, 1984, 2167, 2772, 2986.

Statement To Accompany Amendment 115 to the Rent Regulation for Housing, Amendment 107 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts

By these amendments the application of the rent regulations is terminated in a portion of the Knoxville Defense-Rental Area, consisting of the Clinton Engineer-

ing Works in the Counties of Anderson and Roane, Tennessee.

It is the judgment of the Housing Expediter, that these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-4715; Filed, May 15, 1947; 4:50 p. m.]

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts,[1] Amdt. 107 (§ 821.2)]

PART 821—RENT REGULATIONS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942 AS AMENDED

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS IN KNOXVILLE, TENN., AREA

The application of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts is terminated in a portion of the Knoxville Defense-Rental Area, and consequently, the said portion of the said area is decontrolled and Item 292 of Schedule A of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts is amended to read as follows:

(292) Knoxville	Tennessee Tennessee	Blount and Knox Anderson and Roane, except the portion consisting of the Clinton Engineering Works.	Mar. 1, 1942 do	Nov. 1, 1942 Aug. 1, 1943	Dec. 16, 1942 Sept. 15, 1943

This amendment shall become effective May 15, 1947.

(56 Stat. 23; 60 Stat. 664; EO 9809; 11 F. R. 14281; EO 9841, 12 F. R. 2645)

Issued this 15th day of May 1947.

FRANK R. CREEDON,
Housing Expediter.

Statement to Accompany Amendment 115 to the Rent Regulation For Housing, Amendment 107 to the Rent Regulation For Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts

By these amendments the application of the rent regulations is terminated in a portion of the Knoxville Defense-Rental Area, consisting of the Clinton Engineering Works in the Counties of Anderson and Roane, Tennessee.

It is the judgment of the Housing Expediter, that these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-4716; Filed, May 15, 1947; 4:50 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5561]

PART 323—SPECIAL TAXES WITH RESPECT TO COIN-OPERATED AMUSEMENT AND GAMING DEVICES, BOWLING ALLEYS, BILLIARD TABLES, AND POOL TABLES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 59 (1941 edition) (26 CFR, Part 323), relating to special taxes with respect to coin-operated amusement and gaming devices, bowling alleys, billiard tables and pool tables under the provisions of the Internal Revenue Code, to the Excise Tax Act of 1947 (Public Law 17, 80th Congress, 1st Session), approved March 11, 1947, such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding § 323.10 (26 CFR 323.10) there is inserted the following:

SEC. 3. EXCISE TAX ACT OF 1947.

Sections * * * 1655 (definition of "date of termination of hostilities in the present war") of such Code are hereby repealed.

PAR. 2. Immediately preceding § 323.30 (26 CFR 323.30), there is inserted the following:

[EXCISE TAX ACT OF 1947]

SEC. 2. Section 1650 of the International Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war."

SEC. 5. Section 302 (b) (2) of the Revenue Act of 1943 (period applicable to increase of tax with respect to billiard and pool tables and bowling alleys) is hereby amended by striking out ", and continuing through June 30 next following the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war (as defined in Chapter 9A of the Internal Revenue Code)".

PAR. 3. Section 323.32, as amended by Treasury Decision 5344, approved March 14, 1944 (26 CFR 323.32), is amended by striking out the first two sentences of the first paragraph and inserting in lieu thereof the following: "The rate of tax is $20 per year for each bowling alley, billiard table, or pool table operated by the taxpayer. Prior to July 1, 1944, the rate of tax was $10 per year for each such alley or table."

Because of the technical nature of the amendments made herein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon filing with the Division of the Federal Register.

(Sec. 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: May 14, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4660; Filed, May 16, 1947; 9:12 a. m.]

Subchapter F—Organization and Procedures

PART 600—ORGANIZATION

PART 601—PROCEDURE

MISCELLANEOUS AMENDMENTS

In F. R. Doc. 46-15357, appearing at page 177A-22, Part II, section 1, of the issue for September 11, 1946, the following amendments are made:

1. Paragraph (b) (2) (i) of § 600.1 *General organization, records, delegation of authority, and rules* is amended by adding at the end thereof a new paragraph reading as follows:

(e) *State liquor cases.* If the interests of the United States will not be jeopardized thereby, and if information will not be divulged contrary to section 4047 (a) (1), Internal Revenue Code, District Supervisors of the Alcohol Tax Unit may upon receipt of subpoenas or requests of State authorities, and at the expense of the State, authorize investigators and other employees under their supervision to attend trials and administrative hearings in liquor cases in which the State is a party, produce records and testify as to facts coming to their knowledge in their official capacities.

2. Paragraph (a) (3) of § 601.8 *Alcohol Tax Unit* is amended as follows:

[1] 11 F. R. 13032, 13056, 14013, 14187, 13305, 14571; 12 F. R. 395, 409, 2986.

(A) By inserting in the second paragraph thereof (Treasury Order No. 30), immediately after the reference "T. D. 5535, 11 F. R. 9993" as completed in 11 F. R. 10112, the following: "; T. D. 5550, 12 F. R. 1649".

(B) By inserting in the fourth paragraph thereof (Regulations 3) immediately after the reference "T. D. 5526, 11 F. R. 8631" the following: "; T. D. 5538, 11 F. R. 10268; T. D. 5544, 11 F. R. 10391; T. D. 5551, 12 F. R. 1649".

(C) By inserting in the fifth paragraph thereof (Regulations 4) immediately after the reference "26 CFR, 1944 Supp., Part 183" the following: "; T. D. 5529, 11 F. R. 8713".

(D) By inserting in the sixth paragraph thereof (Regulations 5) immediately after the reference "26 CFR, 1944 Supp., Part 184" the following: "; T. D. 5540, 11 F. R. 10269; T. D. 5543, 11 F. R. 10270".

(E) By inserting in the seventh paragraph thereof (Regulations 6) immediately after the reference "26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 188" the following: "; T. D. 5528, 11 F. R. 8716".

(F) By inserting in the ninth paragraph thereof (Regulations 10) immediately after the reference "26 CFR, 1944 Supp., Part 185" the following: "; T. D. 5527, 11 F. R. 8715".

(G) By inserting in the tenth paragraph thereof (Regulations 11) immediately after the reference "26 CFR, 1944 Supp., 1945 Supp., Part 189" the following: "; T. D. 5541, 11 F. R. 10275".

(H) By inserting in the twelfth paragraph thereof (Regulations 15) immediately after the reference "26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 190" the following: "; T. D. 5542, 11 F. R. 10277".

(I) By inserting in the nineteenth paragraph thereof (Regulations 23) immediately after the reference "26 CFR, Cum. Supp., Part 181" the following: "; T. D. 5537, 11 F. R. 10268".

(J) By inserting in the twenty-first paragraph thereof (Regulations 28) immediately after the reference "26 CFR, Cum Supp., Part 176" the following: "; T. D. 5539, 11 F. R. 10267".

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4659; Filed, May 16, 1947; 9:10 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1947 Dept. Cir. 418, Amdt. 3]

PART 309—ISSUE AND SALE OF TREASURY BILLS

PAYMENT OF ACCEPTED TENDERS

MAY 7, 1947.

Paragraph 11 of Department Circular No. 418, as amended, dated February 28, 1941 (31 CFR Cum. Supp. 309.11), is hereby amended to read as follows:

§ 309.11 *Tenders; payment of accepted tenders.* Settlement for accepted tenders in accordance with the bids must be made or completed at the appropriate Federal Reserve Bank in cash or other immediately available funds on or before the date specified, except that the Secretary of the Treasury, in his discretion, when inviting tenders for Treasury bills may provide: (a) that any qualified depositary may make such settlement by credit, on behalf of itself and its customers, up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District or (b) that such settlement may be made in maturing Treasury bills accepted in exchange. Whenever the Secretary provides for settlement in maturing Treasury bills, cash adjustments will be made for differences between the par value of the maturing bills and the issue price of the new bills.

(R. S. 161, 40 Stat. 290, 46 Stat. 19, 775, 49 Stat. 20, 50 Stat. 482; 5 U. S. C. 22, 31 U. S. C. 738a, 754)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4648; Filed, May 16, 1947; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 17, Amdt. 2]

PART 8317—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

War Assets Administration Regulation 17, August 21, 1946, as amended October 17, 1946, entitled "Stock Piling of Strategic and Critical Materials" (11 F. R. 9573, 12306), is hereby further amended in the following respects:

1. Whenever the text refers to the "Civilian Production Administration" it shall be changed to read "Civilian Production Administration or its successor, the Office of Materials Distribution of the Department of Commerce.

2. Section 8317.9 (b) is amended by redesignating it as paragraph (b) (1) and adding a new paragraph (b) (2) as follows:

(2) In the event that the War Department or the Navy Department is directed by the Reconstruction Finance Corporation not to report certain surplus strategic materials to the Reconstruction Finance Corporation as provided for in § 8317.5 of this part, those Departments in making sales (which they, as owning agencies, are otherwise authorized to make) of such exempt surplus materials shall be guided by the recommendations of the Office of Materials Distribution of the Department of Commerce as to the buyers and quantities in order to best satisfy the industrial deficiencies determined by the Civilian Production Administration or its successor pursuant to section 6 (a) of Public Law 520, 79th Congress.[1]

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); E. O. 9689 (11 F. R. 1265), and Pub. Law 520, 79th Cong., 2d Sess.)

This amendment shall become effective May 12, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MAY 12, 1947.

[F. R. Doc. 47-4726; Filed, May 16, 1947; 11:26 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION: VETERANS' CLAIMS

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 2:

§ 2.1000 *World Wars I and II.* No change in (a).

(b) World War II shall comprise the period from December 7, 1941, to twelve o'clock noon, December 31, 1946, both dates inclusive. (Section 9 (a), Public Law 144, 78th Congress.) (By virtue of § 35.012 of this chapter, as amended by Public Law 359, 77th Congress, disabilities incurred or aggravated in an enlistment or employment entered into after twelve o'clock noon, December 31, 1946, and suffered prior to the official termination of the war, are compensable at § 35.011 of this chapter, as amended, rates.) (59 Stat. 623, 60 Stat. 524) (57 Stat. 554, 58 Stat. 284, 38 U. S. C. 693, 727)

§ 2.1001 *Persons included in the acts in addition to commissioned officers and enlisted men.* No change in (a) to (d), inclusive.

(e) *Commissioned officers, Public Health Service.* Officers of the Public Health Service who were detailed for duty with the Army or Navy are included as officers in the active service. On or after November 11, 1943, commissioned officers of the Public Health Service, regular and reserve, who are (1) detailed for duty with the Army, Navy, or Coast Guard; (2) serving in time of war outside the continental limits of the United States or in Alaska, regardless of whether the disability or death was suffered prior or subsequent to November 11, 1943; *Provided, however,* That benefits may not be awarded for any period prior to November 11, 1943; or (3) who perform active service in time of war and following the issuance of an Executive order declaring the commissioned corps of the Public Health Service a part of the military forces of the United States, are also included. In regard to subparagraph (3) of this paragraph, the Executive order was published on June 29, 1945, effective July 29, 1945; hence, on and after the latter date and for the duration of World

[1] 60 Stat. 596; 50 U. S. C., Sec. 98-98 f; Sup. V, Sec. 98e.

War II the above-described commissioned officers of the Public Health Service, with respect to active service performed, shall be considered as in active military or naval service and included within the acts administered by the Veterans' Administration. (Section 212, Public Law 410, 78th Congress; Executive Order No. 9575) (57 Stat. 587, 42 U. S. C. Supp. 3, sec. 1 (g)–(j))

No change in (f) to (j), inclusive.

(k) *Members of training camps authorized by law.* Members of training camps authorized by section 54 of the National Defense Act, are included. Members of the National Guard ordered to active duty for training are not, under section 112 of the National Defense Act of June 3, 1916, as amended June 15, 1933, entitled to compensation. Reserve officers and members of the enlisted reserves of the United States Army, Navy, or Marine Corps, ordered to active duty, including duty for training, are entitled to compensation under Public No. 159, 75th Congress. However, such benefits shall not be payable prior to the date of claim or June 23, 1937, whichever is the later. Reserve personnel of the Navy and Marine Corps suffering disability while on active duty for training purposes, are compensable after June 30, 1925, and prior to June 23, 1937, under the United States Employees Compensation Act. From and after June 23, 1937, such personnel have an election between United States employees compensation and compensation under Public No. 159, 75th Congress. In the event an Army reservist is or becomes eligible for the benefits of the United States Employees Compensation Act (Pub. No. 179, 76th Cong., approved July 15, 1939, and Pub. No. 747, 76th Cong., approved July 18, 1940), and is also eligible for, or is in receipt of compensation based upon military service, he shall elect which benefit to receive. On or after April 3, 1939, all officers, warrant officers, and enlisted men of the Army of the United States, other than the officers and enlisted men of the regular Army, if called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days, and who suffer disability in line of duty from disease or injury incurred while so employed shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by section 5, Public No. 18, 76th Congress. Reserve Officers who may have a right to benefits under section 5, Public No. 18, 76th Congress, for disability incurred prior to July 15, 1939, who filed claim within one year from July 18, 1940, have an election under Public No. 747, 76th Congress, but reserve officers who are entitled to benefits under section 5, Public No. 18, 76th Congress, for disability incurred on or subsequent to July 15, 1939, do not have such an election. On and after September 26, 1941, reserve officers, Army of the United States, who were called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days on or subsequent to February 28, 1925, other than for service with the Civilian Conservation Corps, and who are now disabled from disease or injury contracted or received in line of duty while so employed, shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by Public Law 262, 77th Congress. (Pub. Law 262, 77th Cong.; Pub. No. 747, 76th Cong.)

(l) *Cadets and midshipmen.* Cadets and midshipmen suffering from disabilities incurred in the line of duty while assigned to duties constituting war service, which includes practice cruises at sea but excludes practice maneuvers at West Point, during the period of one of the hostilities enumerated in § 35.01 of this chapter, as amended, are entitled to compensation for such disability at the rate provided in § 35.011 of this chapter, as amended, if otherwise entitled. Cadets and midshipmen who are disabled by reason of a wound or injury received or a disease contracted while pursuing the prescribed course of instruction at the academies and in line of duty are entitled to compensation at the rate prescribed in § 35.012 of this chapter, if otherwise entitled. Midshipmen assigned to practice cruises or cadets or midshipmen otherwise actually assigned to active duty for a total of at least ninety days during a period of hostilities enumerated in § 35.01 of this chapter, as amended, who are now suffering from a disability permanent and total in degree, but which is not connected with any period of service, are entitled to a pension at the rate prescribed in § 35.013 of this chapter, if otherwise entitled. (A. D. 227, 242.) Service as a cadet at the United States Military Academy or as a midshipman at the United States Naval Academy or as a cadet at the United States Coast Guard Academy on or after December 7, 1941, and before twelve o'clock noon, December 31, 1946, shall be considered active military or naval service in World War II for the purposes of laws administered by the Veterans Administration. (Sec. 10, Pub. Law 144, 78th Cong., A. D. 735) (57 Stat. 554–560, 38 U. S. C. 730)

No change in (m) or (n).

(o) *Commissioned officers of the Coast and Geodetic Survey.* Pursuant to section 2, Public Law 786, 77th Congress, commissioned officers of the Coast and Geodetic Survey who are assigned, (1) during the period of World War II to duty on projects for the War Department or the Navy Department in areas outside the continental United States or in Alaska, or (2) in coastal areas of the United States, determined by the War or Navy Department to be of immediate hazard, shall while on such duty be considered as performing active military or naval service: *Provided,* (3) commissioned officers of the Coast and Geodetic Survey serving in the Philippine Islands on December 7, 1941, will be considered as in the active military or naval service from and including that date: *Provided,* That compensation under this act may not be awarded concurrently with United States employees compensation: *And provided further,* That benefits may not be awarded prior to December 3, 1942. (60 Stat. 524)

No change in (p) or (q).

New paragraphs (r), (s), (t), (u), (v), (w), (x) and (y) are added, as follows:

(r) *Coast Guard.* Personnel of the United States Coast Guard who served on or after January 28, 1915. (Acts of July 2, 1930, and July 18, 1941.) (*Provided,* That no award of disability compensation under Public Law 182, 77th Congress, to former personnel of the United States Coast Guard who served on or after January 28, 1915, and prior to July 2, 1930, shall be effective prior to the date of receipt on or after July 18, 1941, of an acceptable application, formal or informal, as required in disability claims generally.)

(s) Personnel of the National Guard or the National Guard of the United States, while in the active service of the United States.

(t) Pay clerks in the Navy. (7 P. D. 595)

(u) Paymaster clerks while serving under a commission from the Secretary of War. (19 P. D. 149.)

(v) Members of the Naval Academy Band on and after April 12, 1910.

(w) Men inducted for training and service under Public No. 783, 76th Congress. (Sec. 3 (d) Pub. No. 783, 76th Cong.)

(x) *Public No. 140, 73d Congress.* Any officer (including warrant and reserve officers) or enlisted man who served according to the provisions of that act and during the period specified therein.

(y) Paymaster clerks in the Marine Corps. (A. D. 654.) (46 Stat. 847, 57 Stat. 371; 38 U. S. C. 238; U. S. C. A. Appendix 1551)

§ 2.1002 *Persons not included in the acts*—(a) *Cadets and Cadet Engineers, Coast Guard.* Cadets at the Coast Guard Academy and Cadet Engineers in the Coast Guard who were not assigned to active service are not included unless they served as cadets at the Coast Guard Academy on or after December 7, 1941, and before twelve o'clock noon, December 31, 1946. (A. D. 735.) (See § 2.1001 (l).) (57 Stat. 554; 38 U. S. C. 730)

No change in (b) to (g), inclusive.

A new paragraph (h) is added, as follows:

(h) *Temporary members of the Coast Guard Reserve.* Members of such Reserve are not within the purview of the laws governing the Veterans' Administration. (A. D. 699.)

§ 2.1003 *Jurisdiction of adjudication division.* Within the jurisdiction of field adjudication activities, the adjudication division in each regional office or center, under the direction of an adjudication officer, will be responsible for the preparation and adjudication of claims for disability compensation or pension and determining, upon proper request, service connection for the condition or conditions for which out-patient treatment only is requested; for determining whether the character of discharge is a bar to benefits, including benefits under Titles II, III, and V of Public Law 346,

78th Congress, as amended, and hospital treatment, domiciliary care, and outpatient treatment for service-connected disabilities under Public No. 2, 73d Congress, as amended, in doubtful cases; for determining whether disabilities are service-connected and compensable for purposes of vocational rehabilitation; for determining whether the injury or disability for which discharged, in those instances where the veteran served less than ninety days, was incurred or aggravated in line of duty for the purposes of Titles II, III, and V, Public Law 346, 78th Congress, as amended. (58 Stat. 284, 38 U. S. C. 693)

§ 2.1004 *Jurisdiction of authorization unit.* The authorization unit will have jurisdiction over the determination of basic eligibility for monetary benefits in claims under the jurisdiction of the field office; the development of claims in conformity with established Veterans' Administration policy; the adjudication of all claims upon completion of rating action; the maintenance of such follow-up procedure as may be required (this does not apply to follow-up of requested physical examinations); the development and certification of appeals; the certification, upon proper request, of data for consideration in determining eligibility for domiciliary care or hospital or outpatient treatment; the determination whether the character of discharge is a bar to benefits including benefits under Titles II, III and V of Public Law 346, 78th Congress, as amended, and hospital treatment, domiciliary care, and outpatient treatment for service-connected disabilities, under Public No. 2, 73d Congress, as amended, in doubtful cases; the furnishing of technical information, through correspondence or otherwise, to veterans or their representatives in explanation of action taken upon individual claims, and the carrying out of such duties in relation to the foregoing and adjudication matters, general or otherwise, as may be properly assigned by central office or the branch office. (58 Stat. 284, 38 U. S. C. 693)

§ 2.1005 *Jurisdiction of rating board.* (a) The rating boards are vested with authority to determine questions of service connection of disability flowing from diseases and injuries (including such determinations for purposes of Public Law 346, 78th Congress, as amended), in cases in which the jurisdiction is temporarily or permanently vested in the field office concerned; to determine the necessity for, type of, sufficiency of, and appropriate date of examinations and re-examinations, including hospitalization for observation, for rating purposes; to determine and to evaluate the disability resulting from each and from all such diseases and injuries and to determine whether any such disease or injury is due to the willful misconduct or misconduct of the veteran; to determine the competency or incompetency of claimants in proper cases; to determine whether the veteran was insane at time of commission of offense resulting in discharge otherwise precluding entitlement to benefits; to determine whether children of veterans are insane, idiotic or otherwise helpless by reason of mental or physical condition; to determine entitlement under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress, and under § 35.017 (d) of this chapter, as amended.

(b) The rating boards will have original jurisdiction to rate claims involving disability compensation or pension under the jurisdiction of the field office.

No change in (c).

(d) In the event of a dissenting opinion by a rating specialist or a member of the central disability board, no payment will be made based upon the decision, until it has been authoritatively determined whether an appeal will be taken. If appeal from any decision is taken by any of the officials designated in § 30.9807 of this chapter, no change in payments, based on the decision appealed from, will be made until a decision is rendered by the board of veterans appeals and the case file is returned to the appropriate activity.

(e) If it is decided that an appeal is to be taken by one of the officials designated in § 30.9807 of this chapter, the claimant or his representative will be promptly informed concerning the question at issue and concerning his right of appearance or representation before the rating board or the board of veterans appeals. As provided by Veterans' Administration adjudication procedure, the formal hearing in the field office will be in lieu of a formal hearing before the board of veterans appeals, except in the unusual case when a special appearance by the veteran or his representative before the board of veterans appeals may be considered necessary. The hearing will not be accepted to serve as a basis for reversal of the majority decision, but such action as may be indicated will be taken where new and material evidence is submitted or where the further development of evidence would appear to be advisable on information submitted by or in behalf of the claimant. A transcribed record of the hearing will be filed. If, upon being informed of the administrative appeal, the claimant or his representative elects to present additional evidence or argument in support of the administrative appeal, such election will be deemed to be an appeal, and the two appeals will be merged and considered in accordance with the provisions of § 3.1328 of this chapter. (58 Stat. 284, 38 U. S. C. 693)

§ 2.1006 *Decisions to conform to existing laws, regulations, and defined policies.* All decisions will conform strictly to the laws, regulations, Administrator's Decisions and defined policies as enunciated by the Administrator. All opinions of the solicitor which constitute a precedent are embodied either in Administrator's Decisions or opinions which are approved by the Administrator. Conclusions reached in individual cases are frequently influenced by peculiar facts or local statutes and, consequently, will not be followed as precedents. However, where it is apparent beyond question that the situation is identical, such conclusions may be followed as a matter of consistency in the adjudication of claims under the law or regulations applicable.

§ 2.1007 *Information on all decisions to be furnished to veterans.* The claimant will, in all cases in which he appears personally before a rating board, be informed by the board of the decision reached and the reason therefor. The claimant will also be advised upon completion of adjudicative action based upon the decision, of the provisions thereof, and his entitlement, or non-entitlement thereunder and of his right of appeal, and of the time within which appeal must be taken. While failure to receive written notice of right to, and time for, appeal will not extend the time for filing appeal, it will not preclude an administrative review in a meritorious case upon a proper authorization. Claims which involve this provision will be forwarded with a summary of the facts and a recommendation by the adjudication officer or assistant adjudication officer, in field cases, to the director, claims service, branch office, or, in central office cases, by the chief or assistant chief of the division concerned to the director, veterans claims service, or the director, dependents and beneficiaries claims service, depending upon the subject matter, for appropriate action.

§ 2.1009 *Revision of rating board decisions.* (a) No rating board will reverse or amend, except upon new and material evidence, a decision rendered by the same or any other rating board, or by any appellate authority, except where such reversal or amendment is clearly warranted by a change in law or by a specific change in interpretation thereof specifically provided for in a Veterans' Administration issue: *Provided,* That a rating board may reverse or amend a decision by the same or any other rating board where such reversal or amendment is obviously warranted by a clear and unmistakable error shown by the evidence in file at the time the prior decision was rendered, but in each such case there shall be attached to each copy of the rating a signed statement by the rating board definitely fixing the responsibility for the erroneous decision. (See also § 3.1201 of this chapter.) Where the severance of service connection is considered warranted on the facts of record, see paragraph (d) of this section.

(b) Whenever a rating board may be of the opinion that a revision or an amendment of a previous decision is warranted on the facts of record in the case at the time the decision in question was rendered, a difference of opinion being involved rather than a finding of clear and unmistakable error, the complete file will be forwarded to the director, claims service, branch office, accompanied by a complete and comprehensive statement of the facts in the case and a detailed explanation of the matters supporting the conclusion that a revision or amendment of the prior decision is in order. All cases in which differences of opinion on the same factual basis involves a rating agency in central office,

or exists between rating agencies in different branch office territories, will be submitted directly by the director, claims service, branch office, to the assistant administrator for claims, attention of the director, veterans claims service. A rating decision will not be effected in any such case pending the return of the case file following branch or central office consideration. The effective date of the rating authorizing benefits in such cases will be the date of administrative determination, except where otherwise provided.

(c) Determinations in effect on March 19, 1933, will not be reversed in those cases comprehended within the provisions of sections 27 and 28, Public No. 141, 73d Congress, except as provided in these sections. These cases, therefore, will not be referred to the branch office, under paragraph (b) of this section upon a difference of opinion. In the event clear and unmistakable error is discovered the rating board will take action as provided in paragraph (a) of this section.

(d) Authority to sever service connection upon the basis of clear and unmistakable error (the burden of proof being upon the Government), even in those instances where veterans are pursuing courses of vocational rehabilitation training under § 35.017 of this chapter, as amended, is vested in regional offices and centers. Service connection will not be severed in any case on a change of diagnosis in the absence of the certification hereinafter provided. Accordingly, in reports of examinations submitted for rating purposes, where a change in diagnosis of a service-connected disability is made, the examining physician or physicians, or other proper medical authority, will be required to certify, in the light of all accumulated medical evidence, that the prior diagnosis on which service connection was predicated, was not correct. This certification will be accompanied by a summary of the facts, findings and reasons supporting the conclusion reached. When the examining physician or physicians, or other proper medical authority, are unable to make the certification provided herein, service connection will be continued by the rating agency. Where this certification is made, the case will be carefully considered by the rating agency and in the event it is determined in consideration of all the accumulated evidence that service connection should be continued, a decision to that effect will be rendered, citing this regulation as authority. If, in the light of all the accumulated evidence, it is determined that service connection may not be maintained, it will be severed. The claimant will be immediately notified in writing of the contemplated action and the detailed reasons therefor and will be given a reasonable period, not to exceed sixty days from the date on which such notice is mailed to his last address of record, for the presentation of additional evidence pertinent to the question. This procedure is for application except (1) in case of fraud; (2) in case of a change in law; (3) in case of a change of interpretation of law specifically provided in a Veterans' Administration issue; or (4) where the evidence establishes the service connection to be clearly illegal. (See Veterans' Administration adjudication procedure.)

No change in (e).

§ 2.1011 *Adjudication of applications of veterans residing without the continental limits of the United States.* Applications for disability compensation or pension received from veterans who reside outside the continental limits of the United States, with the exception of the Territory of Alaska, Hawaii, Puerto Rico, or the Republic of the Philippines, will be adjudicated in the claims division, veterans claims service, central office. Accordingly, these applications will be forwarded to central office. This provision does not apply to transients inasmuch as residence beyond the continental limits of the United States must be satisfactorily established. However, such residence will be presumed if three consecutive monthly checks are received at the same address. (§ 35.10 of this chapter.)

§ 2.1012 *Adjudication of applications of employee-claimants.* Applications for disability compensation or pension, presented by veterans in the employ of the Veterans' Administration will be adjudicated in the claims division, veterans claims service, central office. Accordingly, all such applications will be transferred by field offices to central office when an employee-claimant in either the classified or unclassified service or a member-employee has been continuously employed for ninety days provided that no adjudication is necessary during such period. If any adjudication is necessary in the case of an employee-claimant during the ninety-day period, such claim will be transferred to central office immediately. (See Veterans' Administration general procedure.)

§ 2.1013 *Adjudication of applications of veterans residing in Washington, D. C.* Applications for disability compensation or pension, submitted by veterans residing in Washington, D. C., other than in the United States Soldiers Home, will be adjudicated in the regional office, Washington, D. C.

A new section, § 2.1014, is added, as follows:

§ 2.1014 *Public No. 140, 73d Congress (Aerial transportation of mail).* Compensation at the rates provided by § 35.011 of this chapter is payable to any officer (including warrant and reserve officers), or any enlisted man or his dependents where injury or death occurs while serving pursuant to the provisions of Public No. 140, 73d Congress. In the event of injury of any such officer or enlisted man the degree of disability resulting therefrom will be evaluated in accordance with the applicable Schedule for Rating Disabilities promulgated pursuant to Public No. 2, 73d Congress. The officer or enlisted man may elect to receive either the compensation under § 35.011 of this chapter or the benefits provided by section 5 of Public No. 140, 73d Congress.

§ 2.1023 *Jurisdiction in death cases.* [Canceled April 23, 1947.]

§ 2.1024 *Delegation of authority to certain employees.* (a) All adjudication officers, assistant adjudication officers, authorization officers, employees designated to act as authorization officers, attorney reviewers, employees designated to act as attorney reviewers, and claims reimbursement authorizers, are hereby delegated authority to make findings and decisions thereon under the applicable laws, regulations, precedents and instructions, as to rights of claimants to benefits under all laws administered by the Veterans' Administration governing the payment of monetary benefits to veterans and their dependents.

No change in (b) or (c).

§ 2.1026 *Application for benefits.* (a) A properly completed and executed Form 526, 526a or 526b, upon receipt by the Veterans' Administration, constitutes an application for benefits indicated below and will be adjudicated under the applicable laws:

Form 526. Veteran's Application for Compensation for Disability Resulting from Service in the Active Military or Naval Forces of the United States.

Form 526a. Application for Compensation under section 31, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, and section 2, paragraph 4, Public Law 16, 78th Congress.

Form 526b. Veteran's Application for Pension for Disability not the Result of Service in the Active Military or Naval Forces of the United States.

Under Executive Order No. 6017, February 7, 1933, appearing in Title 22, page 161, Code of Federal Regulations of the United States of America, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration and therefore a formal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative. (58 Stat. 284; 38 U. S. C. 693)

No change in (b).

(60 Stat. 524) (54 Stat. 1197, 57 Stat. 44, 554–560; 38 U. S. C. 501a)

§ 2.1027 *Informal claims.* Any communication from or action by a claimant or his duly authorized representative, which clearly indicates an intent to apply for disability or death compensation or pension may be considered an informal claim. When an informal claim is received and a formal application is forwarded for execution by the claimant, such application shall be considered as evidence necessary to complete the initial application, and unless a formal application is received within one year from the date it was transmitted for execution by the claimant no award shall be made by virtue of such informal claim. If received within one year in such instances, it will be considered filed as of the date of receipt of the informal claim by the Veterans' Administration. However, a communication received from a service organization, pension attorney, or pension agent may not be accepted as an informal claim, if a power of attorney was

not executed at the time the communication was written. In cases not covered by this rule, where the probability of an informal claim appears to be indicated, but the facts are too obscure or complicated for determination, the file will be referred to the director, claims service, branch office concerned for decision upon the facts in the particular case. When benefits are being resumed under § 3.1299 of this chapter, and an informal claim has been filed for a disability incurred or aggravated in the second period of service, the requirements of the second and third sentences of this paragraph are not for application. Under Executive Order No. 6017, February 7, 1933, appearing in Title 22, page 161, Code of Federal Regulations of the United States of America, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration and therefore an informal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative. (54 Stat. 1196, 1197, 57 Stat. 554–560, 58 Stat. 284; 38 U. S. C. 501a–703b, 38 U. S. C. 693)

§ 2.1032 *Evidence required from a foreign country and release of original documents from files of the Veterans' Administration for authentication.* (a) Where authentication is required or an affidavit or document is executed by or before an official in a foreign country, other than documents submitted through and approved by the Deputy Minister of Veterans' Affairs, Department of Veterans' Affairs, Ottawa, Canada, the signature of that official must be authenticated either (1) by a United States consular officer in that jurisdiction, or (2) by the Department of State. Affidavits or other documents emanating from foreign countries or jurisdictions where the United States has no consular representative may be authenticated in one of the following manners:

(1) *By a consular agent of a friendly government.* The signature and seal of the official of that country may be authenticated by a diplomatic or consular officer of a friendly government stationed in that country, whereupon the signature and seal of the official of the friendly government may be authenticated by the Department of State as provided below.

(2) *By the nearest American consul.* The document may be forwarded to the nearest American consul who will attach a certificate showing the result of his investigation concerning its authenticity, and such certificate, if favorable, will be accepted by the Veterans' Administration; *Provided,* That such authentication shall not be required when: (i) It is indicated that the attesting officer is authorized to administer oaths for general purposes and the paper bears his signature and seal; (ii) the document is executed before a Veterans' Administration employee authorized to administer oaths as provided by § 2.1030 (b), located in a foreign country; (iii) a copy of a public or church record from any foreign country purports to establish birth, marriage, divorce or death; *Provided,* It bears the signature and seal of the custodian of such record and there is no other evidence in the file which would serve to create doubt as to the correctness of the information shown on the record.

(b) When documents received require authentication, they will be forwarded to the Department of State through the head of the activity concerned in central office, and subsequently through the office of foreign relations service, for the purpose of authentication. The Department of State will be informed that any expense which may accrue incident to the authentication must be borne by the claimant. The name and address of the person submitting the document and information as to the purpose for which it is to be used will be furnished. (In compliance with the recommendation of the State Department, the use of the word "visaed" in connection with papers submitted in proof of claims will be avoided as it is often misunderstood by the applicants in whose minds the word is associated with visas granted immigrants.)

When a document which requires authentication is transmitted to the Veterans' Administration by the embassy or legation of a foreign country it will be returned, if not properly authenticated, through the head of the activity concerned in central office, and subsequently through the office of foreign relations service, to such embassy or legation for authentication and for submittal through the Department of State for further authentication. Documents emanating from China or Japan will not be returned direct to the embassies of these countries for authentication. The documents will be forwarded to the Department of State, through the office of foreign relations service, with a request for proper authentication by that Department.

A new paragraph (c) is added as follows:

(c) Where it is indicated that evidence from a foreign country to establish relationship, age or death would not be accessible to the claimant and evidence of record tends to establish the facts in issue, the case file, together with a complete statement of facts, will be submitted to the director of claims in a branch office, or the director, veterans claims service, or director, dependents and beneficiaries claims service, in central office, whichever is appropriate, with a recommendation that a finding of relationship, age, or death be made.

§ 2.1033 *Value of service records for evidence of discharge.* For the purpose of securing authoritative information in regard to discharge, with the view to making pension or compensation payments, if merited, the possession by the Veterans' Administration of any one of the following documents will furnish proof of such discharge and will be accepted by the Veterans' Administration at face value as credible evidence. An actual certificate of discharge; an authoritative notice from the Adjutant General's Office or from the Navy Department as to the facts of such discharge; or lastly, any copy or abstract of the certificate of discharge which has been certified by a notary public or any other person who has the authority under law to administer oaths. In any case in which such evidence or a photostat of the certificate of discharge is received, it will be accepted as authoritative proof of the data shown therein, for the purpose of making awards of disability or death benefits. These data need not be verified where they alone are sufficient to determine entitlement to disability or death compensation or pension benefits, unless there is some reason to question the genuineness of the document or accuracy of the information contained therein. This does not preclude the securing of additional information which may not be disclosed on the certificate of discharge or copy.

§ 2.1046 *Evidence to establish age or relationship.* Age or relationship for the purpose of payment of any benefits under any law administered by the Veterans' Administration should be established by one of the following types of evidence in the following order of preference: *Provided,* That if the name of the person appearing on the copy of a record is not the same as that appearing on the records of the Veterans' Administration, an affidavit will be required identifying the person having the changed name as the person whose name appears in the record:

(a) A certified copy or abstract of the public record of birth or a certified copy of the church record of baptism, the certification to be made by the custodian of such records. A public birth record established more than four years after the birth shall be accepted as proof of age or relationship provided it is not inconsistent with material of record with the Veterans' Administration, or if it shows on its face that it is based upon evidence which would itself be acceptable under any of the other paragraphs of this section. A record of baptism performed more than four years after birth shall not be accepted as proof of age or relationship unless it is consistent with material of record with the Veterans' Administration, which shall include at least one reference to age or relationship made at a time when such reference was not essential to establishing title to the benefit being claimed.

No change in (b) to (f), inclusive.

A new section, 2.1047, is added, as follows:

§ 2.1047 *Claims where age is material.* (a) In claims for pension where the age of the veteran is material and his statements of age agree with that shown at enlistment by official records, such statements may be accepted. If his statements do not agree with the service department report, the youngest age will be accepted, subject to the submission of acceptable evidence as outlined in § 2.1046.

(b) Where it is necessary to disallow an original claim due to lack of attainment of the minimum age, the claimant should be notified of his right to file a supplemental claim after reaching a pensionable age.

A new section, § 2.1056, is added, as follows:

§ 2.1056 *Contact with other Government departments through central office.* Whenever procurement of information involves forwarding a request to another Government department, other than the service departments, State headquarters and draft boards of the Selective Service System of the various States, Railroad Retirement Board and Civil Service Commission, communication will be made through the proper activity in central office. No certification is required for copies of records requested from other Federal agencies. However, copies of official records submitted to the Veterans' Administration as evidence in connection with any claim and obtained from other than the above sources must be duly certified under the official seal of the custodian of the records.

§ 2.1059 *Active service under Public No. 2, 73d Congress.* No change in (a).

(b) Service for ninety days or more, required by § 35.011 (a) (3) of this chapter, and service for six months or more, required by § 35.012 (a) (2) of this chapter, will mean continuous, active service, as defined in paragraph (a) of this section, during one or more enlistment periods. For the purpose of § 35.011 of this chapter such active service must have been during an enlistment or enlistments shown to have begun prior to the termination of a service period specified by § 35.011 of this chapter. The service requirements in claims for pension for disabilities not the result of service are defined in § 35.013 (a) (4) of this chapter and § 35.01 (c) of this chapter, as modified by Public No. 344, 74th Congress. A veteran in active service on April 6, 1917, who was discharged therefrom without serving ninety days during the World War as defined by existing regulations, will be given, if otherwise in order, the benefit of the provisions of § 35.011 (a) (3) of this chapter, if he had ninety days continuous service. (A. D. 247) (57 Stat. 554)

§ 2.1063 *Service connection, sound condition at the time of entrance into service, aggravation and natural progress under Public No. 2, 73d Congress, as amended, §§ 35.011 and 35.012 of this chapter.* No change in (a) to (h), inclusive.

(i) Under § 35.011 (a) (1), (2) and (4) of this chapter, as amended July 13, 1943, injury or disease, apart from misconduct disease, noted prior to service or shown by clear and unmistakable evidence, including medical facts and principles, to have had inception prior to enlistment will be conceded to have been aggravated where such disability underwent an increase in severity during service unless such increase in severity is shown by clear and unmistakable evidence, including medical facts and principles, to have been due to the natural progress of the disease. Aggravation of a disability noted prior to service or shown by clear and unmistakable evidence, including medical facts and principles, to have had inception prior to enlistment may not be conceded where the disability underwent no increase in severity during service on the basis of all the evidence of record pertaining to the manifestations of such disability prior to, during and subsequent to service. (Subject to the limitations of section 105, Public Law 346, 78th Congress, as amended.) Sudden pathological developments involving pre-existing diseases such as hemoptysis, spontaneous pneumothorax perforation of gastro-duodenal ulcer, coronary occulsion or thrombosis, cardiac decompensation, cerebral hemorrhage, and active recurrent rheumatic fever occurring in service establish aggravation unless it is shown by clear and unmistakable evidence that there was no increase in severity during service. Recurrences, acute episodes, symptomatic fluctuations, descriptive variations and diagnostic evaluations of a preservice injury or disease during service or at the time of discharge are not to be construed as establishing increase of disability in the absence of sudden pathological development or advancement of the basic chronic pathology during active service such as to establish increase of pre-existing disability during service. The usual effects of medical and surgical treatment in service, having the effect of ameliorating disease or other conditions incurred before enlistment, including post-operative scars, absent or poorly functioning parts or organs, will not be considered service-connected unless the disease or injury is service-connected, i. e., aggravated by service otherwise than by the usual effects of treatment. In many cases a blind eye has been enucleated during service either for improvement of the veteran's general appearance or to prevent the spread of infection to the other eye. It will be borne in mind that the degree of disability resulting from enucleations may be no greater than that due to undeveloped atrophied, scarred or discolored eyes and eyes affected by active pathology at the time of enlistment. In such cases, keeping in mind section 9 (b), Public Law 144, 78th Congress, service connection for the condition causing the enucleation is not in order unless the eye condition was aggravated by service. Unless in such cases service connection or aggravation for the eye condition is established, there can be no entitlement to the special monthly compensation for the loss of the eye. The mere fact of enucleation will not establish aggravation. Service connection will depend on whether the cause of enucleation is considered as service-incurred or aggravated. In determining aggravation by service due regard will be given the places, types and circumstances of the veteran's service and particular consideration will be accorded combat duty and other hardships of his service. The development of symptomatic manifestations of a pre-existing injury or disease during or proximately following action with the enemy or following a status as a prisoner of war will establish aggravation. (Sec. 1, 48 Stat. 8, 57 Stat. 554–560, 38 U. S. C. 701, chapter 12 note)

No change in (j) or (k).

§ 2.1064 *Character of discharge under Public No. 2, 73d Congress, as amended, and under Public Law 346, 78th Congress.* No change in (a) to (c), inclusive.

(d) An undesirable or blue discharge issued because of homosexual acts or tendencies generally will be considered as under dishonorable conditions and a bar to entitlement under Public No. 2, 73d Congress, as amended, and Public Law 346, 78th Congress, as amended. However, the facts in a particular case may warrant a different conclusion, in which event the case should be submitted to the director, claims service, branch office, for attention and consideration. (As to the effect of alienage see § 2.1001 (j).) (58 Stat. 284, 38 U. S. C. 693)

§ 2.1065 *Wilful misconduct.* No change in (a).

(b) (1) Pension shall not be payable under § 35.013 of this chapter, as amended, for any disability due to the claimant's own wilful misconduct or vicious habits. In the construction of the term "vicious habits" the words "vicious" and "habits" must be taken together and so taken, a corrupt or immoral act is not a vicious habit if it is not repeated to such an extent as to become a regular and fixed mode of action; a single incident, however vicious, is not a vicious habit. (Sec. 4, 48 Stat. 9, 58 Stat 752; 38 U. S. C. 704)

No change in (2).

No change in (c) or (d).

§ 2.1066 *"Line of duty" under §§ 35.011 and 35.012 of this chapter as amended.* (a) Sections 35.011 and 35.012 of this chapter, require that a disabling condition for which compensation is claimed, shall have been incurred in line of duty, except in cases where a right to compensation is preserved by § 35.04 of this chapter. The records of service departments will be accepted in determining line of duty status of diseases and injuries, unless considerations set forth in § 35.10 (h) of this chapter, as amended by Public Law 439, 78th Congress, and the legal presumption of the various laws, may warrant a different finding. Any evidence which is properly admissible or acceptable according to the practice of the Veterans' Administration, and which is of a nature competent to demonstrate that the incurrence of disability was or was not in line of duty, according to conditions specified in § 35.10 (h) of this chapter, as amended by Public Law 439, 78th Congress, may be used as a basis for adjudications, despite any official military or naval record with respect to manner of incurrence. These determinations will be made by the officials of the Veterans' Administration charged with the responsibility of deciding claims for monetary or other benefits in the administration of laws in which line of duty is a factor. For the purpose of ascertaining line of duty status for periods of time prior to June 16, 1938, continuous periods of leave will be considered as one extended leave in determining whether a leave of absence is of such duration as to interfere materially with the routine performance of duty. The provisions of § 35.10 (h) of this chapter, as amended by Public Law 439, 78th

Congress, will be observed carefully in effecting all adjudication where a question of incurrence of disease or injury in line of duty is pertinent; *Provided,* That on or after June 16, 1938, the date of approval of Public No. 648, 75th Congress, the fact that the injury was suffered or the disease was contracted while the person on whose account benefits are claimed was on authorized leave (irrespective of the duration of such leave) will not of itself bar a finding that the disability or death resulting therefrom was incurred in line of duty. In cases in which a determination is required as to whether disability was incurred while "avoiding duty by * * * absenting himself without leave materially interfering with the performance of military duties," consideration is to be given to the evidence, including the report of the Service Department, as to the fact and extent of interference with performance of duty. Generally, it is to be concluded that material interference does not result from brief absence for a period during which no specific duty assignment was made or would have been made if the person had not been absent without leave, unless a specific duty assignment was avoided by absence without leave.

(b) Whenever the veterans claims service, the dependents and beneficiaries claims service, or the insurance service has made a determination of the question of line of duty status for the purpose of compensation, pension or insurance, under the provisions of §§ 2.1066 and 4.2046 of this chapter, such determination shall be binding upon any of these services for any of the purposes mentioned, unless it be clearly and unmistakably in error. This determination shall not be subject to question by reason of a difference of opinion, except as to whether such determination is clearly and unmistakably erroneous, in which case such question shall in field cases be referred to the deputy administrator, branch office, and in central office cases, to the executive assistant administrator, for his personal determination. (60 Stat. 524) (Sec. 1, 48 Stat. 8, 58 Stat. 752; 38 U. S. C. 701)

§ 2.1069 *Forfeiture.* No change in (a).

(b) *Prior forfeiture bars payments under Public No. 2 73d Congress, as amended.* By reason of section 11, Public No. 2, 73d Congress, and paragraph 2, section 14, of the Act of August 9, 1921, a claimant whose rights were forfeited under section 504, World War Veterans' Act, is not entitled to benefits under Public No. 2, 73d Congress, as amended. However, when disability compensation based upon service-connected disability has been forfeited by a veteran because of submission of false or fraudulent evidence, compensation payable except for the forfeiture, from and after date of suspension of payments to the veteran, shall be paid to his wife, child or children, and/or dependent parents, such payments not to exceed the amount payable in case such veteran had died from such service-connected disability. Payment in such case may not be made for any period prior to October 17, 1940, as provided in section 9, of Public No. 866, 76th Congress. No compensation shall be paid to any dependent who has participated in the fraud for which the forfeiture was imposed. Where payments were suspended prior to October 17, 1940, because of forfeiture, a claim, which may be informal, for benefits under section 9, Public No. 866, 76th Congress, will be necessary. In those cases where payments are suspended on or subsequent to October 17, 1940, because of forfeiture of rights by a veteran because of submission of false or fraudulent evidence, action to determine the rights of the veteran's dependents of record will be taken without the requirement of an application by the veteran's wife, child or children, and/or dependent parents.

(c) *No forfeiture of pensions for violation of hospital rules.* Pension or compensation benefits are not subject to deductions because of violations of hospital rules. (A. D. 258) (80 Stat. 524)

No change in (d).

(54 Stat. 1196; 38 U. S. C. 555a–715a)

(R. S. 471, sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S .C. 2, 11, 11a, 426, 707)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

MAY 13, 1947.

[F. R. Doc. 47-4656; Filed, May 16, 1947; 9:12 a. m.]

PART 25—MEDICAL

CLAIMS AND FEES

The following amendments are made to Part 25:

§ 25.6140 *Adjudication of claims.* (a) Claims for reimbursement or payment of expenses of medical services obtained without prior authorization of the Veterans' Administration as hereinafter comprehended, will be adjudicated in the office of the branch medical director except in cases under the jurisdiction of central office which will be adjudicated in the office of the chief medical director.

(b) Chief medical officers of regional offices and centers with regional office activities upon receiving such claims will be required to develop them as hereinafter instructed (§ 25.6148 (a) and (b)), before forwarding them to the office of the branch medical director or the chief medical director, central office. Claims for services rendered in foreign countries will be developed in the out-patient administration division, central office.

A new paragraph (c) is added, and former paragraph (c) is renumbered (d), as follows:

(c) Claims not exceeding $500 in amount will be reviewed and approved or disapproved by the chief or assistant chief of the out-patient division of each branch office or by the chief or assistant chief of the out-patient administration division, office of the chief medical director, central office. If the claim exceeds $500 in amount the recommendation for approval will be submitted by the chief or assistant chief, out-patient division in the branch office, to the branch medical director or by the assistant medical director for auxiliary services, central office, to the chief medical director or his designate.

(d) Appeals-Claims, as defined in § 25.6141 will be subject to one review after an adverse decision, upon appeal to the Administrator. Appeals must be entered within one year from the date of notification to the claimant or his representative of the original adverse decision and the claimant or representative will be so advised. No claim that had been finally denied prior to March 20, 1933, will be reopened or reconsidered. A claim will be deemed to have been finally denied when (1) Original adjudication or appellate action was taken adversely, and proper appeal was not entered prior to March 20, 1933, or within one year from the date on which the claimant was notified of the adverse action, whichever is the later date; or (2) when the claim was finally denied on appeal prior to March 20, 1933 (Pub. Law 307, 74th Cong., 49 Stat. 724).

§ 25.6141 *Classes of claims comprehended.* Claims for reimbursement of or payment for medical treatment (including the necessary travel incidental thereto) obtained without prior authorization from the Veterans' Administration, except as provided in paragraphs (d) and (e) of this section will be considered under the following conditions:

No change in paragraphs (a) and (b).

(c) As to unauthorized treatment rendered subsequent to March 19, 1933, the eligibility criteria defined in paragraphs (b) (1), (2), and (3) of this section will apply; and, in addition, it must be shown by a decision of an adjudicative agency that the disability from the disease or injury for which treatment had been rendered was service-connected, or determined by the medical officers designated in § 25.6140 (c) as aggravating such service-connected disability.

No change in paragraphs (d) and (e).

§ 25.6145 *Statement to support claims*—(a) *Nursing services.* To support a claim for unauthorized medical service when a nurse had been employed, a statement will be required from the attending physician showing necessity for such nurse, and whether she was a registered graduate or a so-called "practical nurse." When for any good reason, it is not practicable to procure such statements and in the judgment of the physician reviewing the claim as prescribed in § 25.6140 (c) the need for a nurse is sufficiently established, the latter may so certify. Payment for service of a "practical nurse" will be allowed only in the exceptional cases wherein a registered graduate nurse could not be engaged.

(b) *Room and board.* Where in claims for services rendered prior to May 15, 1947, the fee charged for room and board exceeds $3 per diem, the excess will not be allowed unless there is submitted a statement from the attending physician or superintendent of the hospital concerned that the veteran's condition demanded the use of a semi-private or private room, or in the judgment of the reviewing physician the necessity therefor is sufficiently established

by the evidence of record, in which event fees of $4.00 and $5.00, respectively, may be allowed. However, this provision will not prohibit approval of a fee exceeding $5.00 in exceptional and meritorious cases.

(c) *Visits made outside of a city or town.* All claims involving additional fees for visits made outside of a town or city limits prior to May 15, 1947, should show the time consumed by the physician in actual travel as required by the Schedule of Fees, Veterans' Administration in effect at the time such services were rendered.

(d) *Prescriptions, drugs and laboratory services.* When reimbursement is claimed for prescriptions, copies of the prescriptions must be supplied, or in lieu thereof, when it is impossible to obtain the prescriptions, an itemized statement from the druggist showing the kind and quantity of medicines furnished may be accepted. All bills for drugs and laboratory services must be fully itemized. No lump sum charges are allowable.

§ 25.6146 *Allowable fees.* (a) In the adjudication of claims for unauthorized medical treatment rendered prior to May 15, 1947, the Schedule of Fees, Veterans Administration, will govern as to allowance for items except as provided in § 25.6141 (e). If the schedule of fees in effect at the time the treatment was rendered did not provide a fee for the particular service, the schedule in effect at the time the claim is being considered will be applied. If the particular service is not covered by the schedule in effect, a fee not in excess of what is reasonable and customarily charged in the community concerned, may be allowed.

(b) In the adjudication of claims for unauthorized medical treatment rendered subsequent to May 15, 1947, fees charged for services may be allowed provided they are considered reasonable and not in excess of those customarily charged the general public for similar services in the locality where rendered. Claims for accommodations in a semi-private or private room must be supported by a statement from the attending physician or superintendent of the hospital concerned that the veteran's condition demanded the use of a private or semi-private room, unless in the judgment of the reviewing physician the necessity therefor is established by the evidence of record.

§ 25.6148 *Development of claims.* (a) Guided by the controlling provisions of §§ 25.6140 to 25.6148, inclusive, the chief, out-patient administration division, central office; the chief medical officer, regional offices and the physician in charge of regional office medical activities at centers or their physician designate will advise claimants whether they have or have not prima facie eligibility to reimbursement or payment of unauthorized medical expenses. If the claim is patently inadmissible (e. g., if made for treatment of a nonservice-connected disability, etc.) the claimant will be so advised and the claim will not be developed. But if the basic facts indicate prima facie eligibility, the employees aforementioned will instruct the claimant as to the submission of VA Form 10–583, if not originally filed and all the supporting exhibits. After these have been checked as satisfactory they will be forwarded with the claimant's files (claims and medical treatment) to the branch office of jurisdiction or to central office if it has been determined that the case is under the jurisdiction of that office, for adjudication. In claims comprehended under § 25.6141 (e) a resume of the pertinent evidence of record will suffice in lieu of the files.

(b) Formal application for reimbursement or payment of unauthorized medical services will be made on VA Form 10–583, Claim for Cost of Unauthorized Medical services. This form will be executed by each creditor who has rendered service for which payment has not been received; or by each person who has paid, from his personal funds, the cost of the unauthorized medical treatment. The claim must be supported by completely itemized bills or statements of account. When a claim is presented by a creditor, it is further required that a statement be supplied, signed by the patient or his representative, certifying to the amounts due and unpaid.

(c) All claims other than those patently inadmissible will be briefed by the claims examiner (medical) in central office and branch offices prior to their submittal, with supporting exhibits and the beneficiaries' files to the employees defined in § 25.6140 (c) for approval or disapproval. The brief will contain a complete description of the claim, all pertinent facts explanatory of the data required in VA Form 10–608, Public Voucher, and an explanation of the audit of the amounts claimed and amounts allowable.

(d) Upon approval of claims an award will be prepared on adjudication VA Form 10–608, Public Voucher, in quadruplicate. The original VA Form 10–608 will be signed in the spaces provided by the claims examiner (medical) as "medical claims adjudicator" and the employee designated in § 25.6140 (c) acting in the capacity of medical claims authorizer. The original (VA Form 10–608) and two copies (VA Form 10–608a) will be forwarded to the branch director of finance service for certification for payment in branch office cases or to the office of the assistant administrator for finance if central office has jurisdiction. In view of such certification surety bonds will not be required for medical claims authorizers. The remaining copy (VA Form 10–608a), VA Form 10–583, the approved brief of facts, all bills, supporting exhibits and correspondence will be filed in the case file. The payee and all interested persons will be fully informed of the action taken.

No change in paragraph (e).

(Sec. 1, 44 Stat. 826, secs. 1–4, 45 Stat. 947, 948, secs. 1–3, 46 Stat. 496, secs. 6, 7, 1, 29, 48 Stat. 9, 301, 525, 49 Stat. 724, 729; 38 U. S. C. and Sup. 483a, 612, 621, 622, 662, 664, 706, 707)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

MAY 15, 1947.

[F. R. Doc. 47–4655; Filed, May 16, 1947; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2319]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO REGIONAL ADMINISTRATORS

The following text is added to Part 4:

§ 4.290 *Revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon.* The Regional Administrator of Region I may approve notices of hearings and he or any employee of the Region designated by him may hold public hearings on master units and their appurtenant marketing areas, and on sustained-yield forest units and cooperative agreements for sustained-yield forest units, which comprise parts of revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands, and lands in private ownership or controlled by other public agencies, under authority of the act of August 28, 1937, 50 Stat. 874.

(R. S. 161; U. S. C. 22; Reorganization Plan No. 3 of 1946)

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 9, 1947.

[F. R. Doc. 47–4657; Filed, May 16, 1947; 9:11 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For addition to the list of delegations of authority contained in §§ 50.75 to 50.81, inclusive, see Part 4 of this title, *supra*, delegating to the Regional Administrator of Region I certain functions regarding revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART O—ORGANIZATION AND ASSIGNMENT OF WORK

MATTERS RESERVED TO COMMISSION FOR INITIAL DECISION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 12th day of May A. D. 1947.

There being under consideration the provisions of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237), and particularly sections 2 to 9, inclusive, and sections 11 and 12 thereof; also those provisions of sections 17 and 205 of the Interstate Commerce Act (49 U. S. C. 17, 305), as amended,

which require certain types of proceedings to be determined on the record after opportunity for hearing,

The Commission hereby finds and determines that the general rule hereinafter set out concerning the assignment of its work is necessary and proper in order that the Commission shall be enabled to conduct its proceedings, and particularly those that are required to be determined on the record after opportunity for a hearing in such manner as will best conduce to the proper dispatch of business and to the ends of justice; and that such general rule is requisite for the order and regulation of proceedings before the Commission, or assigned or referred to an individual Commissioner, or a board, or an examiner, as authorized by section 17 of the Interstate Commerce Act (49 U. S. C. 17), namely: *It is ordered,* That:

The order of the Commission as to assignment of work, entered June 8, 1942, pursuant to the provisions of section 17 of the Interstate Commerce Act (49 U. S. C. 17), as amended, codified as 49 CFR, Cum. Supp., Part O, is further amended by adding thereto, codified as § 0.4a, the following additional provision namely:

§ 0.4a *Matters reserved to the Commission for initial decision under sections 7 and 8, Administrative Procedure Act.* All proceedings of the character in which, by provisions of the Administrative Procedure Act (60 Stat. 237), a hearing is required to be conducted in conformity with section 7, and a decision to be made as provided in section 8 of that act, shall be and are reserved to the Commission for initial decision, and for such purpose of initial decision may be assigned to a division, individual Commissioner, or board, as provided in section 17 of the Interstate Commerce Act (49 U. S. C. 17), by the general order of the Commission as to assignment of work, business, or functions. The following are excepted from the foregoing reservation: (a) Proceedings required by section 205 of the Interstate Commerce Act (49 U. S. C. 305) to be submitted to joint boards; and (b) specific cases, or classes of cases, as to which the Commission may order exemption from the operation of this general rule. For the purpose of such initial decision, the record in a proceeding so reserved shall be considered as certified to the Commission for initial decision when received by the Secretary of the Commission for filing in the docket. Such certification shall not be construed as relieving the officer from the necessity of submitting such recommended, tentative, or other type of report (consistent with the requirements of the Administrative Procedure Act) as the Commission shall previously have directed him to prepare in the proceeding. In individual proceedings involving rule-making as defined in section 2 (c) of the Administrative Procedure Act, and in determining applications for initial licenses, the Commission, or the division, individual Commissioner, or board, or examiner, to which or whom a particular proceeding may have been assigned under section 17 of the Interstate Commerce Act (49 U. S. C. 17), will, as warranted by the second sentence of section 2 (a) of the Administrative Procedure Act (60 Stat. 237), determine (c) whether there shall be a tentative decision by the Commission, or by a division, individual Commissioner, or board, or examiner, to whom the proceeding may be referred or assigned, or (d) whether there shall be a recommended decision by designated responsible officers of the Commission; and (e) in any case the Commission, or the division, Commissioner, or board, may find upon the record that due and timely execution of the functions of the Commission imperatively and unavoidably requires that a tentative or recommended decision be omitted in that case.

Effective date. The foregoing amendment and general rule shall become effective June 10, 1947, upon publication thereof in the FEDERAL REGISTER, and shall apply to all proceedings, initiated after that date, of a character subject to the application of sections 7, 8, and 11 of the Administrative Procedure Act (60 Stat. 237).

(24 Stat. 385, 25 Stat. 861, 40 Stat. 270, 41 Stat. 492, 493, 47 Stat. 1368, 54 Stat. 913; 49 U. S. C. 17)

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4647; Filed, May 16, 1947; 8:51 a. m.]

[S. O. 648-A]

PART 95—CAR SERVICE

PERMIT REQUIRED FOR BULK GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of May A. D. 1947.

Upon further consideration of Service Order No. 648 (11 F. R. 14171), as amended (11 F. R. 14245, 14523; 12 F. R. 754, 1168, 1420, 1518), and good cause appearing therefor: It is ordered, that:

Service Order No. 648 (codified as 49 CFR § 95.648), *Permit required for bulk grain,* be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., May 25, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418; 41 Stat. 476, 485, secs. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4646; Filed, May 16, 1947; 8:51 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 6]

[192-33, 41, 7.31]

HAVRE-HILL COUNTY AIRPORT, HAVRE, MONT., JOHN G. HINDE AIRPORT, SANDUSKY, OHIO, AND WATERTOWN MUNICIPAL AIRPORT, WATERTOWN, N. Y.

NOTICE OF PROPOSED REDESIGNATIONS AS AIRPORTS OF ENTRY WITHOUT TIME LIMIT

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to redesignate effective June 1, 1947, the Havre-Hill County Airport, Havre, Montana; the John G. Hinde Airport, Sandusky, Ohio; and the Watertown Municipal Airport, Watertown, New York, as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the said act (49 U. S. C. 179 (b)), without time limit.

It is further proposed to amend the list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12), to include the locations and names of these airports, and to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, by deleting the locations, names, and dates and periods of designations of the airports involved.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed redesignations of the above-mentioned airports as airports of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

MAY 12, 1947.

[F. R. Doc. 47-4650; Filed, May 16, 1947; 8:51 a. m.]

[19 CFR, Part 6]

[192-33.32]

CUT BANK AIRPORT, CUT BANK, MONT.

NOTICE OF PROPOSED REDESIGNATION AS TEMPORARY AIRPORT OF ENTRY FOR ONE YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup. 177 (b)), it is proposed to redesignate the Cut Bank Airport, Cut Bank, Montana, as a temporary airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, to show such redesignation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed redesignation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

MAY 12, 1947.

[F. R. Doc. 47-4652; Filed, May 16, 1947; 8:45 a. m.]

[19 CFR, Part 6]

DINNER KEY SEAPLANE BASE, MIAMI, FLA.

NOTICE OF PROPOSED REVOCATION OF DESIGNATION OF AS AIRPORT OF ENTRY

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to revoke the designation of the Dinner Key Seaplane Base, Miami, Florida, as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States; and it is further proposed to amend the list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12) as amended, by deleting the location and name of said airport of entry.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed revocation of the designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

MAY 12, 1947.

[F. R. Doc. 47-4649; Filed, May 16, 1947; 8:51 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 7544, Amdt.]

MRS. BERTHA BENGRAF

In re: Obligation owing to Mrs. Bertha Bengraf.

Vesting Order 7544, dated September 5, 1946, is hereby amended as follows and not otherwise:

By deleting the property description in its entirety from subparagraph 2 of said Vesting Order 7544 and substituting therefor the following:

That certain debt or other obligation evidenced by One (1) Lexington Avenue & 42nd Street Corporation Second Mortgage Leasehold Cumulative 2% Income Bond, due September 1, 1945 and extended to September 1, 1970, of $1,000.00 face value, bearing the number M234, and registered in the name of Mrs. Bertha Bengraf, and any and all rights to demand, enforce and collect the aforesaid debt, together with any and all rights under the "Plan of Reorganization", approved June 26, 1946, of the aforementioned Lexington Avenue & 42nd Street Corporation,

All other provisions of said Vesting Order 7544 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4670; Filed, May 16, 1947; 9:11 a. m.]

[Vesting Order 8802]

JOHN KLEINSORG

In re: Estate of John Kleinsorg, deceased. File D-28-9572; E. T. sec. 13160.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Voussem and Joseph Voussem, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $4,685.25 was paid to the Attorney General of the United States by Rev. Alfonso B. Slivinski, Executor of the Estate of John Kleinsorg, deceased;

3. That the said sum of $4,685.25 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on February 24, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4661; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8803]

ALBERT FUGEDI

In re: Estate of Albert Fugedi, deceased. File D-34-892; E. T. sec. 14949.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Fugedi, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That the sum of $70.67 was paid to the Attorney General of the United States by Samuel Sanders, Administrator of the Estate of Albert Fuegdi, deceased;

3. That the said sum of $70.67 was property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Hungary);

4. That the said sum of $70.67 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Samuel Sanders, Administrator of the Estate of Albert Fugedi, acting under the judicial supervision of the Probate Court of Summit County, Ohio;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on February 5, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4662; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8872]

CONRAD BRAUN

In re: Estate of Conrad Braun, deceased. File No. D-28-11089; E. T. sec. 15536.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matthaus Braun, also known as Mathaus Braun, Anna Lotz, Karl Braun, Anton Braun, Elfrieda Braun, Louise Braun Vaupel, George Braun, Henrich Braun, Peter Braun, Martha Braun, Gretchen Braun Hartmann, Elizabeth Braun, Anna Horchler, sister of Testator, Conrad Horchler, Edward Horchler, Anna Horchler, niece of Testator, Marie Horchler Diesenroth, Martha Braun Junghon, Oscar Braun and Kurt Braun, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children of William Braun, deceased, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the estate of Conrad Braun, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Martha Dietel and Adam Dietel, as executors, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the Children of William Braun, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4663; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8899]

HENRY BUTTMANN

In re: Stock owned by Henry Buttmann, also known as Henrich Buttmann, and as Henry Buttman. F-28-828-A-1, F-28-828-D-1, F-28-828-D-2, F-28-828-D-3, F-28-828-D-4, F-28-828-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Buttmann, also known as Henrich Buttmann, and as Henry Buttman, whose last known address is Elmshorn, Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twelve (12) shares of $6.00 cumulative convertible prior preferred capital stock of Armour and Company, 316 South La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by a certificate numbered TCP0677, registered in the name of Henry Buttmann, together with all declared and unpaid dividends thereon,

b. Fifty-two (52) shares of no par value capital stock of The Ohio Match Company, 74 Trinity Place, New York 6, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered F1556, dated July 31, 1936, registered in the name of Henry Buttman, together with all declared and unpaid dividends thereon,

c. Thirty (30) shares of no par value common capital stock of 208 South La Salle Street Corporation, 208 South La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 1905, registered in the name of Henrich Buttmann, together with all declared and unpaid dividends thereon, including particularly but not limited to those quarterly dividend checks arising out of dividends declared on the aforementioned stock and presently in the custody of the City National Bank and Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, and

d. Five (5) shares of $50.00 par value preferred participation capital stock of Consumers Company of Illinois (now Consumers Company), 228 North La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 1901, registered in the name of Henry Buttmann, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4664; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8904]

MOLSEN AND CO.

In re: Debt owing to Molsen & Company. F-28-24839-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Molsen & Company, the last known address of which is Bremen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Molsen & Company, by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, in the amount of $50,549.79, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4665; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8907]

MARGARETE VON SCHIERBRAND RITZLER

In re: Stock owned by Margarete von Schierbrand Ritzler. F-28-14093-A-2, F-28-14093-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete von Schierbrand Ritzler, whose last known address is Katauser Strasse 41 (15), Erfurt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Nineteen (19) shares of $100 par value 5% Cumulative Preferred capital stock of St. Joseph Railway, Light, Heat & Power Co. (now known as St. Joseph Light & Power Company, 520 Francis Street, St. Joseph 2, Missouri), a corporation organized under the laws of the State of Missouri, evidenced by Certificate Numbered BS1311, dated November 16, 1938, and registered in the name of Margarete von Schierbrand Ritzler, which certificate is presently in the possession of Henry C. Hart, 1138 Hospital Trust Building, Providence 3, Rhode Island, together with all declared and unpaid dividends thereon, and any and all rights of redemption thereunder,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4666; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8909]

FRAU HELENE VON SCHIERHOLZ

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Frau Helene Von Schierholz, deceased. D-28-1903-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Frau Helene Von Schierholz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York 15, N. Y., in the amount of $298.63, as of December 31, 1945, evidenced by Secretary's Check #T-259504, issued February 10, 1940 by City Bank Farmers Trust Company, drawn to the order of Deutsche Bank, A/C Frau Helene Von Schierholz, Filiale Mannheim-Mannheim Baden, Germany, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Frau Helene Von Schierholz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4614; Filed, May 15, 1947; 8:57 a. m.]

[Vesting Order 8910]

ELISABETH H. VON SCHIMPFF

In re: Debts owing to and bank account, stock and bonds owned by Elisabeth H. Von Schimpff, also known as Elizabeth H. Schimpff. F-28-4641-A-1, F-28-4641-D-1, F-28-4641-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth H. Von Schimpff, also known as Elizabeth H. Schimpff, whose last known address is 3 Flotow Strasse, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Commercial Trust Company of New Jersey, 15 Exchange Place, Jersey City, New Jersey, arising out of a savings account, Account Number 17673, entitled H. Maxima Von Brandt and Elizabeth H. Schimpff, and any all rights to demand, enforce and collect the same,

b. All those debts or other obligations owing to Elisabeth H. Von Schimpff, also known as Elizabeth H. Schimpff, by Old Colony Trust Company, One Federal Street, Boston 6, Massachusetts, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. Four (4) Missouri Pacific R. R. Co., First & Refunding Mortgage Bonds, Series F 5%, due March 1, 1977, of $1,000.00 face value each, bearing the numbers 58428, 58429, 58078 and 85616, and presently in the custody of Old Colony Trust Company, One Federal Street, Boston 6, Massachusetts, together with any and all rights thereunder and thereto, and

d. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Arey & Company, and presently in the custody of Old Colony Trust Company, One Federal Street, Boston 6, Massachusetts, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elisabeth H. Von Schimpff, also known as Elizabeth H. Schimpff, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of issuer	State of incorporation	Certificate No.	Number of shares	Par value	Type of stock
Seaboard Air Line RR. Co., 120 Wall St., New York, N. Y.	Virginia	TVC5152	100	No	Voting trust.
		TVC5153	100	No	Do.
		TVC5154	100	No	Do.
		TVC5155	100	No	Do.
		TVC5156	100	No	Do.
American Power & Light Co., 2 Rector St., New York, N. Y.	Maine	215621	100	No	Common.
		215622	100	No	Do.
		215623	100	No	Do.
		215624	100	No	Do.
		215625	100	No	Do.
Electric Bond & Share Co., 2 Rector St., New York 6, N. Y.	New York	N294132	100	$5.00	Do.
		N294133	100	5.00	Do.
		N299649	100	5.00	Do.
		N299650	100	5.00	Do.
		N299651	100	5.00	Do.
Electric Power & Light Corp., 2 Rector St., New York 6, N. Y.	Maine	237445	100	No	Do.
		240715	100	No	Do.
		240716	100	No	Do.
		0274471	75	No	Do.
		0277228	70	No	Do.
		0276068	55	No	Do.
Galveston-Houston Co., Stone & Webster Service Corp., 80 Broad St., New York, N. Y.	Delaware	13741	100	5.00	Do.
		13742	100	5.00	Do.
		13743	100	5.00	Do.
		13744	100	5.00	Do.
		13750	100	5.00	Do.
Cities Service Co., 60 Wall St., New York 5, N. Y.	do	HN35472	100	10.00	Do.
		HN35473	100	10.00	Do.
		HN35474	100	10.00	Do.
		HN35475	100	10.00	Do.
		HN35476	100	10.00	Do.
Fruehauf Trailer Co., 10940 Harper Ave., Detroit, Mich.	Michigan	NC6612	100	1.00	Do.
National Shirt Shops of Delaware, Inc., 315 4th Ave., New York 10, N. Y.	Delaware	N2959	100	1.00	Do.
		N2960	100	1.00	Do.
		N2961	100	1.00	Do.
		N2979	100	1.00	Do.
		N2980	100	1.00	Do.
Mangel Stores Corp., 1107 Broadway, New York, N. Y.	do	431	100	1.00	Do.
		432	100	1.00	Do.

[F. R. Doc. 47-4615; Filed, May 15, 1947; 8:57 a. m.]

[Vesting Order 8911]

MASASHI YAMAMOTO

In re: Stock owned by Masashi Yamamoto, also known as Masashi A. Yamamoto. F-39-2782-A-1, F-39-2782-D-1/4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masashi Yamamoto, also known as Masashi A. Yamamoto, whose last known address is Nissin Construction Company, Rin 460, Marunouchi Building, Kojimachi-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Masashi Yamamoto, together with all declared and unpaid dividends thereon, and

b. Twenty (20) shares of no par value common capital stock of Continental Baking Company, 650 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number CO-14240, registered in the name of Masashi A. Yamamoto, and presently in the custody of Glen Cove Trust Company, 9/11 Glen Street, Glen Cove, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the

national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Certificate No.	Number of shares
Cities Service Co., 60 Wall St., New York, N. Y.	Delaware	$10 per value common	84129	20
International Telephone & Telegraph Corp., 67 Broad St., New York, N. Y.	Maryland	No par value capital	NNAF 55054	10
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	No par value common	J 557238	10
American Radiator & Standard Sanitary Corp., 40 West 40th St., New York, N. Y.	Delaware	do	CO 64216 CO 88430	50 30

[F. R. Doc. 47-4667; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8915]

BANZAI TRADING CO.

In re: Debt owing to Banzai Trading Co. F-39-3029-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Banzai Trading Co., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Banzai Trading Co., by Dodge & Seymour, Ltd., 53 Park Place, New York 7, New York, in the amount of $228.03, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4668; Filed, May 16, 1947; 9:11 a. m.]

[Vesting Order 8918]

HENRY JENSEN

In re: Bank account owned by Henry Jensen. F-28-8906-C-1, F-28-8906-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Jensen, whose last known address is Oevenum Insch Fohr, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Henry Jensen by The National Bank of San Mateo, 164 B Street, San Mateo, California, arising out of a checking account, entitled Henry Jensen, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4669; Filed, May 16, 1947; 9:11 a. m.]

[Vesting Order 8922]

H. ROEDINGER AND HANS KRICKE

In re: Debts owing to H. Roedinger, also known as Hermann Johann Peter Roedinger, and Hans Kricke. F-28-17273-C-1, F-28-17295-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That H. Roedinger, also known as Hermann Johann Peter Roedinger, and Hans Kricke, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to H. Roedinger, also known as Hermann Johann Peter Roedinger, by Young & Glenn, Inc., 71 Water Street, New York 5, N. Y., in the amount of $43.78, as of March 14, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, H. Roedinger, also known as Hermann Johann Peter Roedinger, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation to Hans Kricke, by Young & Glenn, Inc., 71 Water Street, New York 5, N. Y., in the amount of $283.54 as of January

17, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans Kricke, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4618; Filed, May 15, 1947; 8:57 a. m.]

SANODERM CO., INC.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
The Sanoderm Company, Inc., 630 5th Ave., New York 20, N. Y.	A-388	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent No. 1,710,133, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4673; Filed, May 16, 1947; 9:11 a. m.]

RAYMOND SAULNIER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Raymond Saulnier, St. Honore a Paris VIII, France.	3507	Property, to the extent owned by the claimant immediately prior to the vesting thereof, described in Vesting Order No. 666 (8 F. R. 5047, Apr. 17, 1943), relating to United States Letters Patent Nos. 2,082,598, 2,105,374, 2,106,934, 2,119,181, 2,125,751, 2,125,752, 2,134,237 and 2,220,546, and described in Vesting Order No. 293 (7 F. R. 9836, Nov. 26, 1942), relating to United States Patent Application Serial No. 430,821, United States Patent Application Serial No. 430,822 (now United States Letters Patent No. 2,335,451), United States Patent Application Serial No. 430,823 (now United States Letters Patent No. 2,350,827).

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4672; Filed, May 16, 1947; 9:11 a. m.]

STANDARD BRANDS, INC.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Standard Brands, Inc., New York, N. Y.	A-374	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent No. 1,859,250, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4671; Filed, May 16, 1947; 9:11 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2921]

TRANS-CANADA AIR LINES

NOTICE OF HEARING

In the matter of the application of Trans-Canada Air Lines under section 402 of the Civil Aeronautics Act of 1938, as amended, for amendment of its foreign air carrier permit to include Windsor, Ontario, Canada, as an intermediate point on the route between Toronto, Ontario, Canada, and Chicago, Illinois.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of the said act, that a hearing in the above-entitled matter is assigned to be held on May 21, 1947, at 10 a. m. (eastern daylight saving time) in Room 1302, Temporary "T" Building, Constitution Avenue between 12th and 14th Streets, N. W., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed amendment will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing, and able to perform the proposed transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Dominion of Canada.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before May 21, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details concerning the proposed amendment and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., May 13, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-4658; Filed, May 16, 1947; 9:12 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6060]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

MAY 12, 1947.

Notice is hereby given that on May 9, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Arizona, California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of 80,000 shares of Cumulative Preferred Stock, par value $50 per share, to be sold through competitive bidding; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 23d day of May, 1947, file a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4653; Filed, May 16, 1947; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5430]

ARBEE FOOD PRODUCTS CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of May A. D. 1947.

In the matter of David M. Lorenz and Bernhard W. Alden, individually and as copartners trading under the name of Arbee Food Products Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, June 2, 1947, at ten o'clock in the forenoon of that day (central standard time), in Room 519, United States Courthouse, Kansas City, Missouri.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-4654; Filed, May 16, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 187]

RECONSIGNMENT OF ONIONS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., May 12, 1947, by I. Meltzer, of car IC 52168, onions, now on the PRR to J. Fairman, New York, N. Y. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-4645; Filed, May 16, 1947; 8:50 a. m.]

[S. O. 734]

UNLOADING OF STEEL AT KANSAS CITY, MO.-KANS.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of May A. D. 1947.

It appearing, that car NYC 637756, containing fabricated steel at Kansas City, Mo.-Kans. switching district, on the Union Pacific Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Steel at Kansas City, Mo.-Kans., be unloaded.* The Union Pacific Railroad Company, its agents or employees, shall unload immediately car NYC 637756, containing fabricated steel, on hand at Kansas City, Mo-Kans. switching district, consigned to Owen Corning Fiber Glass Corporation.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 15, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4642; Filed, May 16, 1947; 8:50 a. m.]

[S. O. 735]

UNLOADING OF SHINGLES AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of May A. D. 1947.

It appearing, that car RI 157943 containing shingles at Los Angeles, Calif., on The Atchison, Topeka and Santa Fe Railway Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Shingles at Los Angeles, Calif., be unloaded.* The Atchison, Topeka and Santa Fe Railway Company or its agents or employees, shall unload immediately car RI 157943, containing shingles, now on hand at Los Angeles, Calif., consigned Oxford Corporation.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 16, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4643; Filed, May 16, 1947; 8:50 a. m.]

[S. O. 736]

UNLOADING OF REFRIGERATORS AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of May A. D. 1947.

It appearing, that car C&O 83313 containing refrigerators at New Orleans, La., on the Gulf, Mobile and Ohio Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Refrigerators at New Orleans, La., be unloaded.* The Gulf, Mobile and Ohio Railroad Company, or its agents or employees, shall unload immediately car C&O 83313, loaded with refrigerators, on hand at New Orleans, La., consigned for export.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order for the detention period commencing at 7:00 a. m., May 15, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4644; Filed, May 16, 1947; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1516]

MISSISSIPPI POWER & LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of May A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Mississippi Power & Light Company ("Mississippi"), an electric utility subsidiary of Electric Power & Light Corporation, a registered holding company, in turn a subsidiary of Electric Bond and Share Company, also a registered holding company. The company has designated sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Mississippi proposes to issue and sell at public sale pursuant to the competitive bidding provisions of Rule U-50, $8,500,000 aggregate principal amount of First Mortgage Bonds, ___% Series due 1977, to be issued under and secured by the company's presently existing Mortgage and Deed of Trust dated as of September 1, 1944, supplemented by an Indenture to be dated as of June 1, 1947. The interest rate on said bonds (which shall be a multiple of ⅛ of 1%) and the price (exclusive of accrued interest) to be paid Mississippi (which shall not be less than the principal amount thereof and not more than 102¾% of such principal amount) are to be fixed by the bid of the successful bidder for the proposed bonds. The proceeds from the sale of said bonds will be applied as follows: (a) $2,500,000 will be retained by the Trustees pending withdrawal by Mississippi, under the terms of the Mortgage and Deed of Trust dated September 1, 1944, as supplemented, on the basis of property additions; (b) $1,250,000 will be used by Mississippi to pay short-term loans made from certain local banks; and (c) approximately $6,000,000 will be added to Mississippi's general cash funds to be used for construction of new facilities, extension and improvement of present facilities and for other corporate purposes.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said declaration and that said declaration should not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said declaration, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on May 23, 1947 at 10 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before May 19, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Richard Townsend, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the bonds proposed to be issued by Mississippi are reasonably adapted to the security structure of Mississippi, and to its earning power,

and whether the financing by the issue and sale of such bonds is necessary or appropriate to the economical and efficient operation of the business in which it is engaged.

2. Whether the fees and expenses to be paid in connection with the proposed issue and sale of bonds are reasonable.

3. Whether the proposed accounting treatment of the transactions is proper and in conformity with sound accounting principles.

4. Whether the terms and conditions of the issue and sale of the proposed bonds are detrimental to the public interest or the interest of investors or consumers, and whether in the event the declaration shall be permitted to become effective, it is necessary to impose any terms or conditions to assure compliance with the standards of the Act.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the declarant herein and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-4636; Filed, May 16, 1947; 8:47 a. m.]

[File No. 70-1519]

UNITED GAS CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of May A. D. 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Gas Corporation ("United"), a gas utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company. Applicant has designated sections 9 (a) and 10 of the act and Rule U-23 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 27, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to contravert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 22, 1947 said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

United proposes to organize under the laws of the State of Delaware, a corporation to be known as Atlantic Gulf Gas Company ("Atlantic Gulf"). Atlantic Gulf will have initially 1,000,000 shares of authorized common stock without par value, all of which United proposes to acquire for $1,000,000 in cash. Atlantic Gulf is being organized for the purpose of constructing and operating a natural gas pipe line system extending from the State of Mississippi in an easterly direction to the Atlantic Seaboard, passing through the southern parts of the States of Alabama and Georgia and also extending into the northern part of the State of Florida and into southeastern part of the State of South Carolina.

Atlantic Gulf will assume United's obligations in connection with an application filed by United with the Federal Power Commission for a certificate of public convenience and necessity authorizing the construction and operation of the facilities described above.

The applicant has requested that the Commission's order herein be issued as soon as may be practicable and become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-4637; Filed, May 16, 1947; 8:50 a. m.]